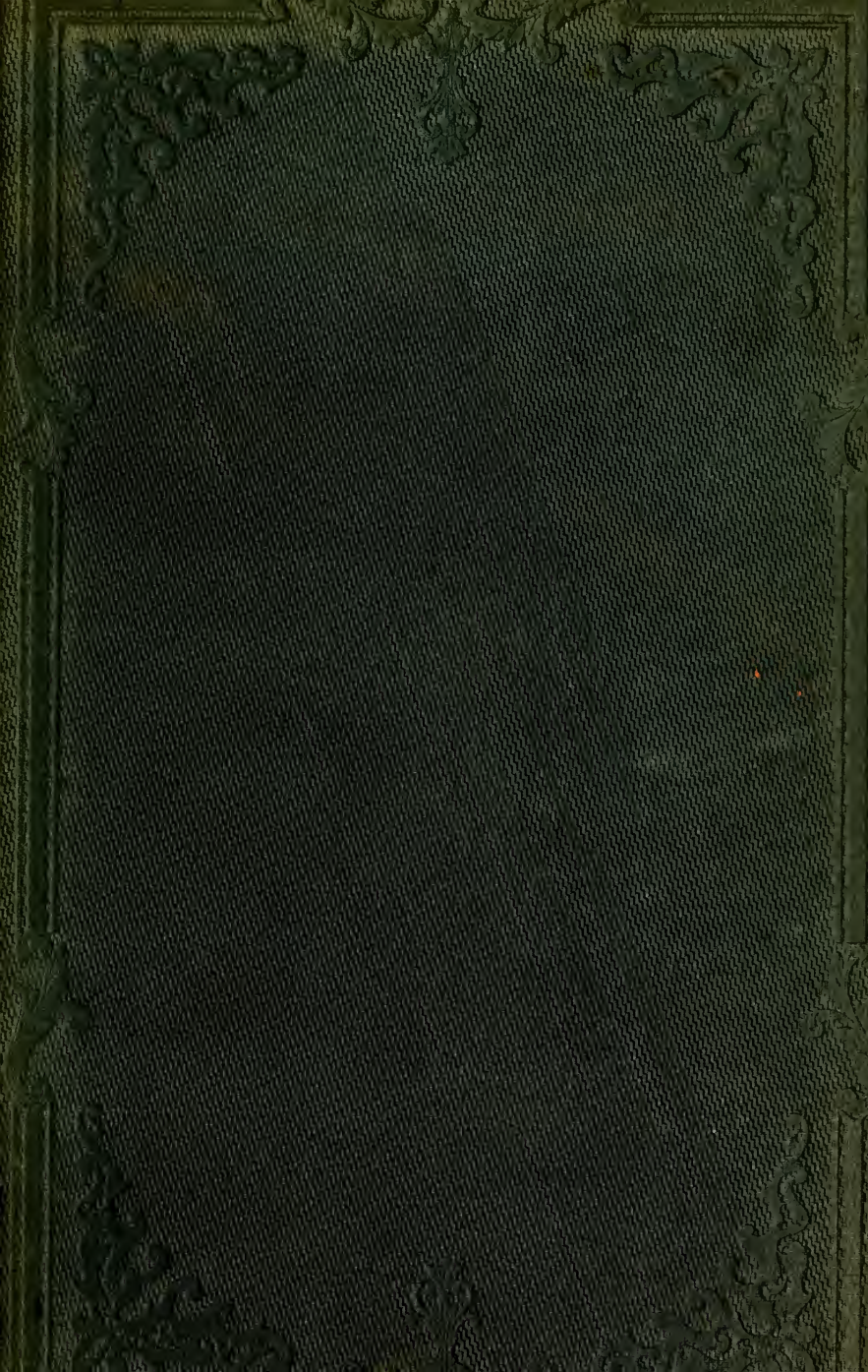




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P A P E R S

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RELATING TO

PUBLIC EVENTS IN MASSACHUSETTS

PRECEDING THE

AMERICAN REVOLUTION.

PHILADELPHIA:
PRINTED FOR THE SEVENTY-SIX SOCIETY.

T. K. AND P. G. COLLINS, PRINTERS.

1856.

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THE following papers are from the collection of manuscripts, relating to the period immediately preceding the commencement of hostilities in Massachusetts between Great Britain and the American Colonies, in the possession of Dr. A. L. Elwyn, of this city. Most of them, it is believed, now appear in print for the first time.

Dr. Elwyn's collection also embraces a very valuable series of papers relating to the events of the war in other parts of the Union, from which it is proposed to make a selection of the most valuable and interesting for our next publication.

PHILADELPHIA, July, 1856.



MASSACHUSETTS PAPERS.

IN THE HOUSE OF REPRESENTATIVES, OCT. 29TH, 1765.

ACCORDING to the order of the day, there being a very full House, the following draft, which, being laid on the Table, was particularly considered, and thereupon voted.

Whereas, the first rights of His Majesty's subjects of this Province, derived to them from the British Constitution, as well as the Royal Charter, have been lately drawn into Question, in order to ascertain the same, this House do unanimously come into the following Resolves:—

1. *Resolved*, That there are certain essential Rights of the British Constitution of Government which are founded in the Law of God and Nature, and are the Common Rights of Mankind.

2. *Therefore Resolved*, That the Inhabitants of this Province are unalienably entitled to those essential Rights in common with all men ; And that no Law of Society can, consistent with the Law of God and Nature, divest them of those Rights.

3. *Resolved*, That no man can justly take the Property of another without his consent ; And that upon the original Principle, the Right of Representation in the same Body, which exercises the power of making Laws for Levying Taxes, which is one of the main Pillars of the British Constitution, is evidently founded.

4. *Resolved*, That this inherent Right, together with all other essential Rights, Liberties, Privileges, and Immunities of the People of Great Britain, have been fully confirmed to them by Magna Charta, and by former and later Acts of Parliament.

5. *Resolved*, That His Majesty's subjects in America are, in Reason and Common Sense, entitled to the same extent of Liberty with His Majesty's subjects in Britain.

6. *Resolved*, That by the declaration of the Royal Charter of this Province, the Inhabitants are entitled to the Right, Liberties, and Immunities of free and Natural subjects of Great Britain to all Intents, Purposes, and Constructions whatever.

7. *Resolved*, That the Inhabitants of this Province appear to be entitled to all the Rights aforementioned by an Act of Parliament, 13th of Geo. 2d.*

8. *Resolved*, That the Rights do belong to the Inhabitants of this Province, upon Principles of common Justice, their ancestors having settled this Country at their sole expense, and their Posterity having constantly approved themselves most Loyal and faithful subjects of Great Britain.

9. *Resolved*, That every individual in the Colonies is as advantageous to Great Britain as if he were in Great Britain, and held to pay his full proportion of Taxes there. And as the inhabitants of this Province pay their full proportion of Taxes, for the support of His Majesty's Government here, it is unreasonable for them to be called upon to pay any part of the charges of the Government there.

* Chapter VII. of the Acts of Parliament, passed in the 13th year of George II (A. D. 1840), seems to be the Act here referred to. It provides that foreigners living for seven years in any of the British Colonies in America should be deemed and taken to be natural born subjects of His Majesty upon taking and subscribing the Oaths and Declaration prescribed by the Act of George I., entitled An Act for the further security of His Majesty's Person and Government, and the succession of the crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales.

10. *Resolved*, That the Inhabitants of this Province are not, and never have been represented in the Parliament of Great Britain, And that such a Representation there, as the subjects in Britain do actually and rightfully enjoy, is impracticable for the subjects in America. And further, That in the opinion of this House, the several subordinate Powers of Legislation in America were constituted upon the apprehensions of this Impracticability.

11. *Resolved*, That the only method whereby the Constitutional Rights of the subjects of this Province can be secure, consistent with a subordination to the Supreme Power of Great Britain, is by the continued exercise of such Powers of Government as are granted in the Royal Charter, and a firm adherence to the Privileges of the same.

12. *Resolved*, As a just conclusion from some of the foregoing Resolves, That all Acts made by any Power whatever, other than the General Assembly of this Province, imposing Taxes on the Inhabitants, are infringements of our interest and unalienable Rights as men and British subjects, and render void the most valuable Declarations of our Charter.

13. *Resolved*, That the extension of the Powers of the Court of Admiralty within this Province is a most violent Infraction of the Right of Trial by Juries—A Right which this House, upon the Principles of their British Ancestors, hold most dear and sacred, it being the only security of the Lives, Liberties, and Properties of His Majesty's subjects here.

14. *Resolved*, That this House owe the strictest allegiance to His most sacred Majesty, King George the Third, That they have the greatest veneration for the Parliament, And that they will, after the Example of all their Predecessors from the settlement of this Country, exert themselves to the utmost in supporting His Majesty's Authority in this Province, in Promoting the true happiness of His subjects, and in enlarging the extent of His Dominions.

Ordered, That all the foregoing Resolves be kept in the Records of this House, That a just sense of Liberty, and the firm sentiments of Loyalty, may be transmitted to Posterity.

SAM. WHITE, *Spkr.**

SAMUEL WHITE, SPEAKER OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS, TO DENNIS DE BERDT.†

Boston, Nov. 7, 1765.

SIR:

The late General Congress of the British Colonies at New York, having agreed to recommend it to the respective Assemblies to appoint special Agents to solicit and pursue the several Petitions there agreed on, and thence forwarded to Great Britain, in consequence of said Recommendation the House of Representatives of that Province, have by a large majority made choice of you as their Agent to the special Purposes above mentioned.

* "Hon. Samuel White, a native of Braintree, was probably the first Barrister at Law residing in the town of Taunton. He graduated at Harvard College in 1731, and located in Taunton, as a lawyer, about the time the courts began to be held there, that is, in 1745. He was great grandson of Thomas White, early at Weymouth. Samuel White was born in 1710, and died March 20th, 1769. He had the honor of presiding over the House of Representatives during the period of the Stamp Act. It was the circular signed by him, as Speaker of the House, which called together the first Congress that assembled at New York, in October, 1765. He may be considered, therefore, as one of the men who exerted an important influence in the incipient steps towards Revolution."—EMERY'S *Ministry of Taunton*.

† Dennis (or Denys, as the name seems to have been originally written) De Berdt, was a London Merchant, of Huguenot extraction. He was agent for "the three lower counties," now the State of Delaware, as well as for Massachusetts. His portrait is to be seen in the State House at Boston. Gen. Joseph Reed, of the Army of the Revolution, married his daughter Esther, a Memoir of whose life, written by her Grandson, William B. Reed, Esq., was privately printed in 1853.

Mr. Jackson, the standing Agent for the Province, by a letter from the House in their May Session, received instructions how to conduct himself in this arduous affair. You will consult him and the Agents of the other Colonies, and exert your Abilities and Influence to serve us, and join with them in retaining such Council as may be needful. You will have a copy of the Opinion of Congress upon the Rights and Privileges of the Colonists; as also copies of the Petitions agreed on, with the Resolves of this House, which will fully explain to you, and the other Agents, what their Constituents expect of them. We must believe if our Petitions are sincerely presented, and duly attended to, that His Majesty and the Parliament will be Graciously pleased to relieve two or three millions of very dutiful, loyal and useful subjects from their present Distresses. We wish you success in your Negotiations and Prosperity in your own affairs, and am with the greatest esteem

Yr's, &c.

In behalf of the House of Representatives,

SAM. WHITE, Spk'r.

P. S.—The House takes this opportunity to acquaint you, that they have directed the Province Treasurer to remit to you Two hundred Pounds sterling, to enable you to solicit and pursue the before mentioned Petitions. Your services will be considered hereafter.

To DENNIS DUBERT, Esq.

Endorsed: Boston, Nov. 7th, SAM. WHITE, Speaker to the House of Representatives. Received December 12th, 1765.

LETTER FROM JAMES OTIS AND OTHERS, TO DENNIS DE BERDT.*

BOSTON, Decem. 21, 1765.

SIR :

The House of Representatives of this Province, having appointed you their Agent for the Purposes mentioned in their Letter to you, is the occasion of our writing to you; not indeed by Order, but as individual members. The House was so fully informed of your ability and inclination to serve the Province, that your election was soon determined by a very great majority. We hope you will have received the Advice of your Appointment before this comes to hand, and we may assure you that your acceptance of the Trust will give general satisfaction to the Good People here.

His Majesty's subjects of this Province are very uneasy, at several Acts of Parliament lately made, by which their trade is greatly obstructed, and unless a Remedy is applied, it is feared must soon be ruined. It has been very justly observed, that the advantages drawn from America to Great Britain, are to arise from Commerce, and therefore, to encourage and promote that, is her sure Policy. The Profits of the Trade of the Colo-

* Thomas Cushing was born in 1725, and graduated at Harvard College, in 1744. He represented Boston in the Provincial House of Representatives, of which he was chosen Speaker, a post which his father had previously filled. He was a Member of the First and Second Congresses, and afterwards successively a Member of the Council, Judge of the Courts of Common Pleas and of Probate for Suffolk County, and Lieutenant Governor of the State, which last office he filled at the time of his death, February 28th, 1778. He is described as having possessed great abilities, and as having been a friend to learning.

Thomas Gray was a Merchant, residing in Boston, of which town he was one of the Four Representatives in "the General Court," as the House of Assembly was then called, during the year 1765.

Edward Sheafe, was originally from New Hampshire.

Of the two other Signers of this letter, it must be unnecessary to say a word here.

nies, through its several channels center in Britain, and therefore, to stop these channels must be evidently to her prejudice. This will be the case while the Sugar Act remains in Force. The English West India Islands do not produce sufficient for the consumption and Trade of the Continent. To confine us then to these Islands must diminish the trade.—It will in a great measure even dry up its very source. Our trade to the West Indies and our Fishery are mutual supports to each other. They are indeed, jointly the grand basis of the whole. The Duty of three pence per gallon on foreign Molasses amounts to a full Prohibition, and must soon put a stop to that Branch.—As one third part at least, of all the Fish that is taken is fit for no other market, it is easy to conceive how much our Fishery must be injured. It is much to be feared, that so great a loss of labor added to the usual expense of carrying it on will prove a total discouragement to it. The Colonies may in consequence of this be put upon contriving some other methods, perhaps to their own greater advantage, and not so beneficial to the nation. Be that as it may, it is certain there will be an end to Remittances that are now made to Spain, Portugal, and other parts of Europe, through which the greatest part of the Produce of America, and the Profits of the Trade flow into Great Britain and set her Manufacturers of all kinds to work. By means of the Trade of the Colonies, as hitherto carried on, millions of them have been enabled yearly to consume British Manufactures. An attempt to raise Revenues out of their Trade, as it will in effect advance the price of your Manufactures, will reduce the People to the necessity of setting up Manufactures of their own. Their necessity will quicken their Invention, and they will become by degrees less useful and in time entirely useless to the Mother Country. But we humbly apprehend it would appear too partial for a Nation to confine her Views to her own Interest in regulating the Trade of her Colonies. There is Justice due to them as subjects.—As such they have an equal Right with the Inhabitants of Britain, of making use

of Trade and all other honest means of subsisting and enriching themselves. The nation would show her Wisdom in cherishing the Trade of the Colonies, while she reaps so large a share of the Profits of it, but to abridge their Trade, even though it should not be an advantage to her, unless it also evidently appears to be carried on to her prejudice, would not seem to be just.

The Colonists have as great a Regard for Right, Liberty, and Justice as any People under Heaven. And they generally have knowledge enough to discover when their Rights are infringed. If this be true, you will own they merit the esteem of every man of Sense in England, especially when it may be justly added that they are, and ever have been, as loyal subjects as any the King has. They hold themselves intitled to all the inherent unalienable Rights of Nature, as men, and to all the Essential Rights of Britons, as subjects. The Common Law of England, and the grand leading Principles of the British Constitution have their foundation in the Laws of Nature and universal reason. Hence one would think that British Rights are in a great measure *unalienable*, the Rights of the Colonists, and of all men else. The American subjects are by Charters from the Crown and other royal Institutions declared intitled to all the Rights and Privileges of natural born subjects within the Realm, and with good reason, for as emigrating subjects, they brought the Rights and Laws of the Mother State with them. Had they been conquered, we presume that by the British Constitution after taking the Oaths of Allegiance they would be acknowledged as free Subjects—much more when they have been neither Rebels nor Enemies, but have greatly merited of their Mother Country, by subduing and settling a large Continent, to the amazing increase of National Power and Wealth. Let it be observed that the New England Provinces were settled by our Ancestors, who came over but little more than a Century ago. And they have been defending them without a Farthing expense to the Crown or

any private man in England, 'till the last War, when the Nation began to see their real importance. By the Act of 13th Geo. 2nd, for naturalizing Foreigners, the Colonists, are considered as natural born Subjects, and intitled to all the essential Rights of such. The primary, Absolute natural Rights of Englishmen, as frequently declared in Acts of Parliament from Magna Charter to this day are *Personal Security, Personal Liberty, and Private Property*, and to these rights the Colonies are intitled by Charters, by Common Law, and by Acts of Parliament. Can it then be wondered at that the Act for levying Stamp Duties upon the Colonies should be astonishing to them since in Divers respects it totally annihilates these Rights. It is a great fundamental Principle of the British Constitution that the Supreme Power cannot take from any man any part of his Property without his consent in person, or by Representation. It is certain the Consent of the Colonists was in no sense had in Parliament, nor even asked when this Act was made to tax them. They never had the Return of one Member of Parliament, not a single vote in the Election of one. The Right of Trials by Juries is also justly esteemed a main Pillar of the British Constitution, and the best Security of the Lives, Liberty, and Property of the Subjects—but by this Act, the Property of the American Subjects is triable at the option of an Informer by Courts of Admiralty without Juries. The Right of Representation and the Argument against this Tax founded upon it, is so Constitutional, that the writers in favor of it have been put to great shifts to evade it. We have been told that we are *virtually* represented, but we must desire an explanation of this vague Term before we can give it a serious consideration. We are put upon a footing with Birmingham, Manchester, and other Towns in England, who, they say, send no Representatives, and yet are taxed. But have not those Towns a Constitutional Right to be represented, and if they chuse to waive it, can that be a good reason for taxing the Colonies without a Representation?

Would it not be equally reasonable for the majority of the Members of Parliament to deprive the Constituents of the Minority of the same Right, and tax them at Discretion? But Birmingham and the few Towns who send no members cannot be deemed reasonable Precedents for taxing all America, when it is considered that all Counties in England return members, and all Freeholders have a vote in their Election, and so in Fact are represented. In the Act of the First of James the First, where in the Parliament recognized their Faith, Obedience, and Loyalty to His Majesty and Royal progeny it is declared that in that High Court of Parliament, all the whole body of the Realm, and every particular member thereof, either in Person or by Representation, upon their *own Free Election* are by the Laws of this Realm deemed to be personally Present. But can it with the least shadow of Truth be said that the Colonies are there in Person or by Representation, upon their own Free Election? Yet the general superintending Power of the Parliament over the whole British Empire is clearly admitted here, so far as in our circumstances is consistent with the enjoyment of our essential Rights as Freemen and British Subjects; and we humbly conceive that by the Constitution, it is no further admissible by Great Britain herself.

When we plead the right of Representation we only mean to have our not being represented upon our own free Election considered as a reason why we should not be taxed by the Parliament; and we apprehend, that as we are intitled to all the Rights of British Subjects, it is a Reason that cannot be withstood without violence to the Constitution. We are far however from desiring any Representation there, because we think the Colonies cannot be equally and fully represented; and if not equally, then in effect not at all. A Representative should be, and continue to be well acquainted with the Internal Circumstances of the People whom he represents. It is often necessary that the circumstances of Individual Towns should

be brought into comparison with those of the whole, so it is particularly when Taxes are in consideration. The Proportionate part of each to the whole can be found only by an exact knowledge of the internal Circumstances of Each. Now the Colonies are at so great a distance from the Place where the Parliament meets, from which they are separated by a wide Ocean, and their circumstances are so often and continually varying, as is the case in Countries not fully settled, that it would not be possible for men tho' ever so well acquainted with them at the beginning of a Parliament, to continue to have an adequate knowledge of them during the existence of that Parliament. If a Representative cannot be supposed to have an exact knowledge of the abilities of his constituents in proportion to the whole, when a general Tax is under consideration, he cannot be said to represent them, so far at least, as respects this very essential concern. He must be a mere Cypher in the House, for he can give neither Yea nor Nay; for want of a material knowledge. An unequal proportion in Taxes may naturally be expected from so partial and insufficient a Representation which it is most likely would be to the prejudice of the Colonies; for without supposing an undue Bias in the House of Commons, which, however, may possibly hereafter take place, it is to be considered that the taxes of the People in Britain will be lighter in proportion to what is laid on the Colonies; and if what the Colonies ought to bear is a matter of mere conjecture, it is not likely that the Nation, in such a case, would form an estimate to her own prejudice. In short it appears to us that the Nation would not only be a party, but the judge too, without that knowledge or the possibility of having it, which would be necessary to form a right judgment or even any at all. The Stamp Act itself may serve to show how liable even the Parliament may be to err in this important matter, for want of an adequate knowledge of the Circumstances of the Colonies, while they meant only to lay upon them a reasonable Tax. The Minister, tho' he was at

the pains of getting all the information he could, from some gentlemen of reputed knowledge of the Colonies, then in England, has procured a Parliamentary Tax upon them, amounting, as we are told, to a much greater sum than either he or the Parliament, or even those Gentlemen who had so lately left the Colonies, imagined it would. Such mistakes in point of Taxation, we are apt to think, would generally and unavoidably be made, even tho' we should be represented as fully as our great Distance from England and different circumstances would admit of.

The several Subordinate Powers of Legislation in America seem very probably to have been constituted upon their being considered as free Subjects of England, and the Impossibility of their being represented in the Parliament; for which Reason these Powers ought to be held sacred. By means thereof that Liberty which they justly claim as their birthright is established. To deprive them of these subordinate Powers, which is in effect done by the Stamp Act, destroys that Liberty. The Exercise of Parliamentary Jurisdiction in levying external and internal Taxes on the Colonists while they are not and cannot be represented, is inconsistent with any degree of Freedom. It brings them under a Government essentially different from that which their fellow Subjects in Britain are under. The American Powers of Government are rather to be considered as matters of Justice than Favour—without them they cannot enjoy that Freedom, which, having never forfeited, no power on earth has any right to deprive them of.

The Charter of this Province invests the Power of making Laws for its internal Government in the General Assembly. Our Laws are made with the consent of Representatives of our own Free Election. The people are all personally present by their Representatives in the Assembly which governs and taxes them—and thus the full enjoyment of those essential Rights which justly belongs to them as subjects of Great Britain is preserved. At the same time that Dependence and Subordina-

tion which they are ever ready to acknowledge will appear to be effectually secured, when it is considered, that their Laws must first have the concurrence of the Council, upon whose election the Chair has a negative; and then the consent of the Governor, who is appointed by the Crown, before they can be in Force—and finally, they must be laid before his Majesty, who at any Time during three years disannuls them at his Royal Pleasure. Here is all the check which the Nation can in Reason desire; a further controul would leave them the name only of free Subjects.

We find that attempts have been made to raise a jealousy in the nation, that the Colonists are struggling for Independence, than which nothing can be more injurious. It is neither their interest, nor have they ever shown the least Disposition to be independent of Great Britain. They have always prided themselves, in being British Subjects, and have with the greatest cheerfulness, done every thing in their power to promote the common cause of the nation. And we have reason to believe that the Colonists will ever remain firmly attached to the Mother Country. We are with great esteem,

Sir,

Your most humble Servants,

JAMES OTIS,
THOMAS CUSHING,
THOMAS GRAY,
SAMUEL ADAMS,
EDW. SHEAFE.

DENNIS DE BERDT, Esq.

LETTER FROM THOMAS CUSHING, SPEAKER, TO DENNIS DE BERDT.

Boston, June 28, 1766.

SIR:

The House of Representatives are now sitting, and have before them your letters of the 11th and 16th of January, the 15th and 22nd of February, the 1st of March, and the 26th of April last.

The House observe with great pleasure and entire approbation, the attention you have given to the Interest of the Province, and the unwearied assiduity with which you have prosecuted it, in particular with respect to the care you so early took of the Petitions of the Congress. Which the House have the satisfaction to believe were of great use, notwithstanding they were deemed to be deficient in point of Form.

The repeal of the Stamp Act has diffused a general joy throughout this Loyal Province, and the Representatives of the People regard all those who have contributed towards this happy event with a gratitude in proportion to their exertions in the cause of Truth and Liberty. You will therefore assure yourself that your merit cannot by any means pass unnoticed.

Among such a multitude of Friends and Patrons which Providence has raised up to interpose in our behalf, it is impossible the House should be able to transmit their Thanks to each individual by name.

Our most gracious Sovereign, whom next to God we love and honor, the House did early in this Session resolve to address in very humble, dutiful, and grateful terms.—The Address will be forwarded to you by this conveyance, which it is expected you will take care to have presented.

The House have also voted that their sincere thanks be given to a number of worthy Personages who have distinguished themselves by their noble and generous Patronage of the British Colonies; and that a Copy of the vote be transmitted to

each of them, in the most respectful manner by the Speaker, the charge of which the House likewise commits to you—and it is desired that you will apologize for unavoidable omissions; and in the name of the House thank those gentlemen, whose services had they come to our knowledge, would have demanded a more particular notice.

From some expression in the Protest of a number of noble Lords against the Repeal of the Stamp Act, the House are apprehensive that some injurious accounts have been given by some Persons in the Colonies, of the dispositions of these Colonies towards the Parent State; the House have therefore resolved, that a Representation of the Conduct of this Government during the late difficult times be drawn up, which will serve to set the Province in a true and fair light.—This is likewise by a vote of the House, to be transmitted to you, to be laid before his Majesty's Ministers.

In your Letter of the 26th of April, you express a great desire to “serve the Interest of the Province in the other articles” that are yet depending in Parliament, which you say “would not all be compleated in that session.”

The House have wrote fully by this opportunity to Mr. Jackson, to whom you are referred for Particulars. The House understand that a Committee of Merchants are about making Proposals to the Parliament for the Regulation of the American Trade. As it may be necessary that the Parliament should have a true State of the Trade and its circumstances, you are desired to prevent any such Proposals being made 'till such state can be forwarded, which we are told the Merchants in this place are preparing.

In the name and behalf of the House of Representatives,

I am, Sir, Your most humble Serv't,

THOMAS CUSHING, Speaker.

P. S. Inclosed you have the votes of Thanks with the letters accompanying them, directed to the several worthy Personages

who have exerted themselves in Favoring the Colonies, which you will please to deliver to them respectively, and in case there should be any mistake with respect to their titles or Places of Residence, please to take off the covers and rectify the same.

DENNIS DE BERDT, Esq.

LETTER FROM THOMAS CUSHING, SPEAKER, TO DENNIS DE BERDT.

Boston, December 6, 1766.

SIR:

The House of Representatives have had communicated to them by His Excellency the Governor, a Letter he received from the Right Honorable the Earl of Shelburne, wherein after acquainting his Excellency that he had laid his late letters and the Inclosures before His Majesty; his Lordship adds, "that His Majesty is extremely sorry to observe any degree of ill temper remaining in his Colony of Massachusetts Bay, or that points have been so improperly agitated as to tend to revive disputes which every friend to America would wish to be forgot."

It is a matter of unspeakable sorrow and concern to us, to find our most Gracious Sovereign thus expressing his displeasure with the Province, and were we conscious that we justly deserved it, we should be filled with the deepest shame and remorse—some person has unfairly represented the Province, and it is of the utmost importance to ourselves and the People whom we represent, that our conduct should be placed in a true point of light, in order that such impressions as have been made to our prejudice may be removed.

As His Majesty has been pleased in His great clemency to show his readiness, not only to forgive, but to forget, every mark of an undutiful disposition in his subjects of these Colonies in the late time of distraction (which the People are ready

at all times to recognize with the warmest gratitude), and as he has thought proper to take notice particularly of points so improperly agitated, as to tend to the *revival* of disputes, we presume that it has been represented to his Majesty that such points have been improperly agitated since these disputes that happened when this whole Continent was even in an Agony, had subsided by means of that relief which His Majesty in Parliament had graciously and wisely afforded to us. It is sufficient then, for us to give you an impartial account of the temper of the People and the Conduct of this House since the Happy Repeal of the Stamp Act.

The news of this great event was expected with the utmost Ardor, and no sooner did it arrive than joy was diffused through every Rank, and so expressive were the People of their gratitude, that nothing more could have been done by them, unless they had adored. This, Sir, is not exaggeration, nor was it a sudden flash, for as they were ever before a loyal, they have ever since discovered themselves, so far as we have been able to observe their behaviour, a dutiful, orderly, and grateful people. If they have been otherwise represented, you may be assured that it is an injustice done them. As an evidence of the quiet disposition of this People, and that you may the more easily rely upon the character we have now given them, we would only observe to you, that when the King's Courts of Justice in this Province were shut up for six months, to the unspeakable loss and damage of the People in general, at a time when, if ever it might be expected that Resentment might be shown in an unsuitable manner, they bore it as became good subjects, and maintained their own order even in a state of nature to which they were reduced by this unprecedented measure.

The conduct of this House, if we may be allowed to say it, has been unexceptionable. They met in General Assembly with a very happy disposition, and though it must be acknowledged, that points have been agitated which had a tendency to

revive former disputes, yet they are not justly chargeable with them.—The first day of their meeting his Excellency the Governor was pleased to take exceptions at their conduct, which however it may be colored, the House cannot with propriety, or the least spark of candour, be taxed with an ill temper towards His Majesty or the Parliament, or with respect to our happy connection with the Mother Country. The two Houses thought fit in their Elections to make a change of some of the Counsellors, and His Excellency might have presumed that they acted upon principles of public emolument; and, if he had only exercised his undoubted prerogative in negativing such Gentlemen as he did not approve of, all would have silently submitted. But his Excellency was pleased publicly to give his reasons, by saying that the Government was attacked in form; that there was a professed design to deprive it of its best and most able servants, whose only crime was their fidelity to the Crown, and that he could not be indifferent, but that he was obliged to exercise every legal and constitutional power to maintain the King's Authority against this ill-timed and ill-judged oppugnation of it. His Excellency must have referred to this transaction, for no other business of a public nature had been done when he delivered this speech. Did it not require a great stock of prudence in the House to suppress Resentment when they and all the world were told that they were guilty of fighting against His Sacred Majesty. His Excellency might have given another colouring to this conduct of the two Houses by suggesting a better reason for it than a prejudice in them against particular gentlemen for their fidelity to the Crown,—it was notorious long before the Stamp Act was thought of, that a very great uneasiness subsisted among the people because in the elections from year to year it was thought sufficient care was not taken to keep the Legislative Judiciary and Executive powers more asunder; and an attempt was frequently made, but it never was effected before His Excellency, in the same speech tells the two Houses that it is not unusual for

private Interests and resentments to intermix with popular discontent, and to execute their purposes under the borrowed mask of patriotic Zeal: and talks of the infatuation of the late times in such high terms, as in an unguarded hour must have reviv'd such Disputes in the Assembly as every friend to America then wish'd to be forgot—tho' it must be owned in this very speech he expresses something that looks like tenderness and affection to the people under his Government, as he does in his Letters to His Lordship, and promises most cordially to use his utmost endeavours to heal the Divisions and bury the animosities which the late distracted times have created.

In less than a week after this speech was delivered the two Houses had another more severe. In this he told them that they had disappointed the expectations of the King and Parliament, and that it was not in their power in so full a manner as would be expected to show their respectful gratitude to the Mother Country, or to make a dutiful and affectionate return to the indulgence of the King and Parliament: That it must and would be understood that the gentlemen nonelected were turned out for their deference to Acts of the British Legislature. That they will not and cannot avoid being chargeable with unthankfulness and dissatisfaction on ground of former heats, and that it was impossible to give any tolerable colouring to this proceeding, which was only their chusing such gentlemen as their consciences dictated to them, for still they had done no other public business—and after all the asperity he promises as before to make the best use of all the means which they should put into his hands to save the credit of the Province upon this unhappy emergency, how far he has executed these promises his letters will show, which tho' said to be full of tenderness and affection, his Excellency has not condescended to communicate to the House, nor even to his Council that we have heard of, however conciliating a sight of them might prove to the minds of his Majesty's loving subjects here.

The House being resolved that no consideration should abate their most ardent expression of Loyalty and Gratitude to His Majesty and their affectionate regard to their illustrious patrons and friends, immediately formed an humble address of thanks to his Majesty, which they had the great pleasure of hearing from you was graciously received, they also wrote Letters to their friends with sincere thanks for their noble and generous patronage of the British Colonies, from many of whom they have received the most polite condescending answers—they also without hesitation early made a grant to his Excellency of his usual Salary and proceeded in the Common business of the Session with the greatest cheerfulness. They made establishments for Forts and Garrisons adequate to what was usually made in times of peace, and with which former Governors have been well satisfied.—Indeed they made none for a small trifling fort at the Eastward, because by the total reduction of Canada, they apprehended it to be a needless expense.—Thus they went on with alacrity, and any one not under the power of prejudice must have thought that no ill temper then prevailed in the House and that no points were improperly agitated by them.

We cannot, without doing great injustice to ourselves, avoid telling you that the Assemblys of this Province have always endeavored to make his Excellency's administration prosperous to his Majesty and happy for himself, that they have spared no grants that could with any color be made to him, and have in one gift transferred their right to Him of a certain Island, Mount Desert, esteemed in the opinion of most people to be a very considerable Estate.

His Excellency in the last mentioned speech communicated to the House His Majesty's most mild and gracious Recommendation of an Indemnity to the late unhappy sufferers in a most excellent Letter from the Right Hon. Mr. Secretary Conway. But the expressions of his speech upon this occasion were such as were naturally disgusting to the House and to the people, he

was pleased to call his Majesty's Recommendation a Requisition, the authority of which should preclude all Disputation about complying with it—and in another message told the House that it was expected that a compensation should be made at all events—as if it could possibly be conceived that his most Excellent Majesty should intend by his most gracious Recommendation that a positive peremptory demand should be made of his Subjects' money without allowing them the honor as well as privilege of granting it freely. Such language to the House as His Majesty himself never us'd to his Commons, was highly displeasing, yet they were affected with the tenderness of expression used by their Sovereign, they agreed to lay the matter before their Constituents as what they thought reasonable, and as the sufferers had not seen fit to apply for Relief, they thought they had done as much for the present as his Majesty would, under that circumstance, expect from them, they accordingly had a recess given them to consult their constituents, and at this Session the Sufferers having made their first application, a Bill is passed the House for granting compensation to the sufferers, and a general pardon to the offenders in the late times. This they comprehended to be exactly conforming to the Letter of his Majesty's Recommendation to which the House paid so Sacred a regard that no other consideration would have prevailed with them in favor of any part of the Bill.

Thus we have given you an impartial account of the temper of the people and the conduct of the House since the Repeal of the Stamp Act, and we are willing to submit it to any candid judges whether there was any foundation for any one to represent to his Majesty that a degree of ill temper remained in his subjects of this Province towards his Majesty or the Parliament, or in any other regard. And we desire you would take the earliest opportunity to vindicate us to Lord Shelburne and the rest of the ministry, in order that we may again stand

in the mind of our Sovereign, agreeable to our most earnest wishes in the light of loyal and grateful people.

In ye name and behalf of the House,

I am Sir, Your most humble Ser't,

THOMAS CUSHING, Speaker.

Please to deliver the Inclosed to Lord Shelburne.

Endorsed.

Mr. Speaker Cushing's Letters to De B., Testifying their affection to their Mother Country. 1766.

LETTER FROM SAMUEL DEXTER TO DENNIS DE BERDT.*

DEDHAM, IN THE PROVINCE OF MASSACHUSETTS BAY, January 6th, 1767.

As I am one who have for many years tho't you a sincere friend of the American Colonies, and to this in particular,

* Samuel Dexter, a son of the Rev. Samuel Dexter, of Dedham, Massachusetts, was born in that town, in March, 1726. He engaged in business as a merchant, and so successfully as to be able to retire when thirty-five years of age, with a competency to his native town, where he devoted much of his time to literary pursuits. He became a conspicuous member of the Provincial Legislature, and was repeatedly elected to the Council, and his election every time set aside by Governor Gage, by order of the King. He served in the first Provincial Congress, but differing from his colleagues as to the propriety of raising an army without first making provision for its maintenance, he retired altogether from public life, which he did not again engage in during the last thirty years of his life. In June, 1810, he died, aged 84.

He was much opposed in his religious views to the doctrines of Calvin, which he considered irreconcilable with a proper interpretation of the Bible, and left a legacy of Five Thousand Dollars to Harvard University, "to promote a critical knowledge of the Holy Scriptures," by establishing a lectureship upon that subject.

Samuel Dexter, Secretary of War and of the Treasury, during the administration of President John Adams, was his son, and Franklin Dexter, Esq., of Boston, formerly law-partner of Daniel Webster, is his grandson.

wished for your being chosen Agent before it took Place, and when your choice was under consideration of the House of Representatives, exerted myself to promote it, in preference to all other Candidates, so I have ever since desired to enjoy a correspondence with you on Public Matters. With this disposition and these sentiments, I shall make no apology for troubling you at this time.

I have already taken my part with my Brethren of the House in expressing our entire satisfaction in the manner in which you discharged your Trust with regard to the late Stamp Act, in the early care you took of the Petitions from the Congress, and your frequent solicitations to the Ministry and to the worthy members of both Houses of Parliament, in order to promote the happy Repeal; as well as your exertions in Behalf of the Province respecting other important matters. The members in general are very sensible of your merit and I hope will be disposed to make you a generous pecuniary Satisfaction; which I shall on my Part, not fail to promote. What Allowance will be made you I am unable to determine, as the Bulk of the people in the Country Towns, tho' they are very ready to acknowledge their obligations in Words, are not sufficiently capable of judging of what would be a proper Testimony of their sense of the services of their Agents. This is not owing in any measure to ingratitude, but being used to subsist on very little themselves, no more than a suitable grant to one they employ, appears to such poor Livers an exorbitant Sum. However tho' I wish that your important services may be amply rewarded, yet was I not firmly persuaded that your generous regard to the Welfare of the Province and a conscientious Disposition to do good in the world, as God shall give you opportunity for it, are your governing and prevailing Principles and that a Pecuniary Reward is but a secondary motive with you, it would tend in some measure to abate that high opinion I have formed of your virtue and Goodness.

When this Province received the agreeable news of the Re-

peal above mentioned, their joy and satisfaction was beyond all description, and though the more religious sort of People, or as you in one of your Letters call them, the *Lord's faithful servants*, among us, in the first place and before all other things, acknowledged their obligations to Almighty God, yet there was not a mouth but what was filled with declarations of Loyalty and thankfulness to the King, joined with expressions that showed their high sense they entertained of the generous services of our worthy and patriotic Friends in Parliament and many others out of doors, who had contributed all in their power towards the happy event. The same sentiments in the House, you have seen proofs of, by the humble and grateful Address transmitted through your hands to his Majesty, and the Letters of Thanks sent to a number of illustrious members of both Houses of Parliament—and it has given the highest satisfaction to the House, that several of those worthy personages have, in the most condescending and polite manner expressed, by letter, their kind acceptance of the same.

At such a time as I have mentioned, when the Body of the People were in perfect good humor, had you been here Sir, you would, I am sure, have thought it the happiest juncture to have united all parties, reconcile differences, occasioned by variety of sentiments with respect to the Stamp Act, and promoted general love and harmony in the Province.

You have heard a great deal from those who disapproved of Governor Bernard's measures at the last Election; and as no doubt, there are some few who approve of them, you may have heard his conduct at that critical time justified. I shall neither censure nor justify.—If I should do the former, you might be ready to think, though therein you would be greatly mistaken, as I was one of the six whom his Excellency disapproved of, that being disappointed of a seat at the Council Board I am full of resentment against him on that account. The latter I shall leave to more able hands. Thus much, however, I can with great sincerity aver, that His Excellency's speeches to both

Houses were much more gravaminous to me than falling personally under his disapprobation, not only as that did not deprive me of my seat in the House of Representatives, but as the Fate of the Province was of infinitely great importance. I was much terrified with the Apprehension of those speeches' making impressions, on your side of the water, to the disadvantage of the Province. And the more so, as by a letter then received from His Majesty's secretary of State, it appeared that Governor Bernard's conduct was highly approved of by the King, his Ministry and both Houses of Parliament. I profess myself a hearty friend to, and as far as I am able a Promoter of Peace and Friendship among the several Branches of the Legislature. I have a sincere good will to Governor Bernard, and wish for the Time, when, if he should continue our Governor, the People may get over their Resentment of his conduct, be rid of their jealousies, and cordially love and esteem him; And when he, on his part, shall treat the people with that Condescension and Goodness as will tend to conciliate their affection and regard. In the mean time, I am bound in conscience to declare, that it is not from a disposition to affront or disobey Government, that they are now so generally uneasy with his administration. I should not do them justice, if I did not say, that they appear at this day, as indeed, they always have, to be the most loyal people in the world, and willing to use a Scripture Expression (which I know will not be disagreeable to you) *to submit to every ordinance of man for the Lord's sake*. You well know sir, in what sense this may justly be said, even of a people ever jealous of their Liberties, and tenacious of their just Rights and privileges; as it must be owned this people, with all their love to their Prince and respect to his August Parliament really are. In this they act from Conscience, and a sense of duty. Their aversion to a submission to the Stamp Act arose from this principle with respect to a great Part of this Province. They thought themselves injured, and that they should be unworthy of the name of Descendants from the first

Planters of this Country, if they should by a quiet submission, give up those Rights which their Progenitors held so dear and sacred.

Some expressions in your letter of the 19th of September last to the House, which letter was published by their order, with a view to dispose the people to be willing to make compensation to the sufferers in the late Times of confusion, and which had a very good effect in that particular—I say those expressions led many people to expect that when Lord Shelburne's letter to the Governor, which you mentioned, should arrive, it would contain some explicit Animadversions on his conduct. But though there was as some imagine, a courtly kind of reproof couched in one passage in His Lordship's Letter, yet by the general drift of it, it appears that those Representations that His Excellency has made of *his own behaviour* in his Government have confirmed the good opinion which His Majesty had before formed of his administration. It was peculiarly distressing to the King's loyal and loving subjects here, to find such an expression as this in his Lordship's Letter. "His Majesty is extremely sorry to observe any degree of *ill temper* still remaining in his Colony of Massachusetts Bay," and that the delay of making compensation to the sufferers had been represented as occasioned by the prevalency of such a temper—or, as His Lordship expresses it, by the "local Difficulties," which, from His Excellency's Accounts, appeared not to have been terminated.

I cannot help observing to you, that tho' I imagined the publishing your letter might have the good consequence I have already mentioned, yet, as it gave an account of something which escaped in conversation between His Majesty's Secretary of State and yourself, I could not think it prudent to print your letter. But the House were in general for it, and the Printer was directed accordingly. I know not that any mischief will arise from it, to be sure none was intended, or by those that voted for it, so much as suspected; but I had this in

my mind at the time, that perhaps neither his Lordship nor yourself might choose to have what passed at such an interview, inserted in the Public Newspapers. However, if the House in this matter, were guilty of an inadvertency, there will be no danger of their being incautious in time to come.

Before this reaches you, you will have heard of the full and ample compensation made to the sufferers above mentioned. This I trust will be agreeable to our generous and worthy Friends in Great Britain, who had so fully declared their opinion, that we should readily do it, if it was recommended by His Majesty.

The matters on which the House wrote you the last Session, were of the utmost importance; and your former attention to the Interest of the Province leaves no room to doubt your assiduity in time to come. The embarrassments on our Fishery are very alarming to us, to which Article I would entreat your very particular Regard.

Since the Disputes respecting making compensation were finished (which indeed were merely differences in opinion), and grants have been made to the sufferers, and they have received the same out of the Treasury, every thing is quiet and no dissension of a public nature exists among us, saving only what immediately respects the Governor. Whether He and the People will ever be harmonious again, time must discover.

If when any thing, which is likely much to affect this Province, turns up or is thought likely to occur, whether agreeable or disagreeable, you would favor me with a line, it will be esteemed a great kindness; and you may depend upon it, that any hints which you may not choose should be publicly mentioned, shall be properly improved and prudently concealed. I have only further to request of you, which considering your great prudence is indeed unnecessary that if what I have now, or may at any time hereafter write, particularly relating to the Governor, be of such a nature that you may think proper to speak of it to any of your friends, you would omit mentioning

my Name, as it may be done as well without. I am not disposed to meddle, when I can well help it, with the disputes between His Excellency and the People. I could not avoid barely mentioning them at this time, as I thought it proper to drop a word or two to you, who are so good a friend to the Province, to exculpate the People here from the heavy charges which his Excellency has brought against them.

I am with great Regard

Sir, Your most humble servant,

SAML. DEXTER.

Endorsed,

Dedham, Samuel Dexter, January 6.

Received February 28.

Answered March 4, 1767.

LETTER FROM A COMMITTEE OF THE MERCHANTS OF BOSTON TO
[DENNIS DE BERDT?]

Boston, January 17th, 1767.

SIR:

The very great regard you have on all occasions shown to the true Interest of North America, and the many instances of your particular favor to the Trade of this Province, have encouraged the Merchants of this Town, thro' us their Committee, to forward you the enclosed Petition, requesting that you would make use of your influence in getting the same presented to the Hon'ble the House of Commons, this Session of Parliament, and as soon as it can be conveniently done.

By the contents you'll observe it is a Representation of the difficulties which the Trade still labors under by means of some late Acts of Parliament, which we cannot but hope will obtain the attention of the Hon'ble House.

While these Acts were pending in Parliament and even after they had passed, we had congratulations from several of our Friends and Correspondents in England, upon such Regulations in Trade being obtained as it was apprehended, would tend to the enlargement thereof, but upon a due examination of the said Acts, we were greatly disappointed, finding the Trade in many respects rather embarrassed than enlarged, and we apprehended, had the Merchants here remained silent upon the occasion it would have been naturally construed as being satisfactory to them, the contrary of which we flatter ourselves is fully evinced by our Petition. We have laid our sentiments before the House of Representatives here, and they, we are informed, have transmitted to you, as their Agent, a full Representation of these matters and Instructions thereon.

But having lately been informed that the Merchants of New York have forwarded a Petition to the House of Commons, We thought that our seconding them in this method would facilitate the obtaining Relief; the subject was therefore resumed and signed as you find it, by most of the principal Merchants and Traders in this Town, in which we should have been joined by those of other towns, but the extreme severity of the weather for some time past, has, in a great measure prevented a Communication with them;—We will not detain you any longer than to assure you that your kind endeavours to serve us in this affair will be greatly acknowledged not only by us, but by the Traders of the whole Province.

We salute you Respectfully, and are Sir,

Your most humble Serv'ts.,

JOSEPH GREEN,

J. ROWE,

JOHN ERVING, JUN.,

SAM HUGHES,

EDWARD PAYNE,

THOMAS GRAY.

IN THE HOUSE OF REPRESENTATIVES, JAN. 31, 1767.

THE ANSWER TO HIS EXCELLENCY'S SPEECH OF THE 28TH INSTANT.

May it please your Excellency :

Your speech to both Houses of the General Assembly at the opening the present Session has been duly considered by the House of Representatives.

Your Excellency is pleased to recommend "the support of the Authority of the Government, the maintenance of the Honor of the Province, and the Promotion of the Welfare of the People, as the chief object of our Consultations."

By the Authority of the Government, this House understand the Charter Rights and Powers of the Great and General Court of Assembly of this Province, and the several Branches of the same; and the Powers with which the Civil Officers of the Province are by Law vested. While the members of that Assembly firmly maintain those Rights and Powers, and the body of the People steadily and vigorously sustain and protect the civil officers in the Exercise of their respective Powers, in the full execution of the good Laws of the Province, and the discharge of their several trusts, whether judiciary or ministerial, we apprehend the Authority of the Government is then supported. It is necessary for the support of this Authority that the House of Representatives will inform themselves of the true extent of those Rights and Powers, and sacredly adhere to *their own* Rights as one Branch of the Legislature; That they zealously assert the Rights of their Constituents, the People of this Province, without transgressing the Bounds of their own Power, or invading the Rights and Prerogatives of the other Branches of the Assembly, and that they endeavour that the Body of the People be also well acquainted with their own natural and Constitutional Rights and Privileges; and the Liberty, Safety

Peace and Happiness which they will not fail to enjoy, while the General Assembly is protected in the due exercise of their Rights and Powers, and the Laws of the Land have their free course, and are faithfully and impartially executed. This, may it please your Excellency, being our own apprehension of the Authority of the Government, and its support, we shall always greatly rejoice to find your Excellency exciting and animating us in the Discharge of this important duty. As it would be unpardonable in us ever to lose sight of it, your Excellency may be assured that we shall always make the support of the Authority of the Government one great object of our Consultations.

Upon this occasion we cannot forbear to observe to your Excellency with concern, that when the two Houses were directed to attend your Excellency in the Council Chamber, at a Time when none but the General Assembly and their Servants are intended to be present, his Honor the Lieutenant Governor* was pleased to appear in General Assembly, and there to continue 'till the House returned to their Chamber, while your Excellency was not only in the Province, but actually in the Chair. We are of opinion that this conduct is not supportable by any Precedent, but should there be found upon searching ancient Records, any Instance of the kind, it is not only in itself an impropriety, but repugnant to the Constitution, and the Letter of the Charter; which declares the Great and General Court to consist of the Governor and Council or assistants for the time being, and such Freeholders of the Province as shall be from time to time elected, or deputed by the major part of the Freeholders and other inhabitants qualified by the Royal Charter to give their Votes. If the Honorable Gentleman was introduced by your Excellency, we apprehend that the happiest means of supporting the Authority of the Government, or maintaining the Honor of the Province were not con-

* Thomas Hutchinson was the Lieutenant Governor. See the note to his letter of February 20th, 1767, *post*.

sulted therein. But if he came in and took a seat of his own motion, we are constrained to say, that it affords a new and additional Instance of Ambition and a Lust of Power to what we have heretofore observed.

IN THE HOUSE OF REPRESENTATIVES, FEB'RY 7, 1767.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

GENTLEMEN of the House of Representatives:

I have always understood that it has been the general usage of this Government, countenanced by the Charter, for the Lieutenant Governor when he was not elected a Councillor to have a seat in the Council without a voice. But since it has appeared from your answer to my speech that you have thought otherwise, I gave orders in Council to the Secretary to search the Books, and to make Inquiry by other means, if necessary, what has been the usage of the Government in this respect. It appears from this Report that every Lieutenant Governor since the opening the present Charter, has usually and frequently when not elected a Councillor sat in Council, untill the term of Governor Belcher, who excluded the Lieutenant Governor from a Seat in the Council, which he complained of as a grievance and submitted to with Resentment. I hereby communicate to you a copy of the Report, that if you please you may review this matter, and consider whether your censure of the Lieutenant Governor has not been too hasty; as it appears not to be supported by this instance, nor by any other that I have as yet been made acquainted with.

FRA. BARNARD.*

COUNCIL CHAMBER, February 7, 1767.

* Francis Bernard, after having been Governor of New Jersey, succeeded Thomas Pownall as Governor of Massachusetts, in 1760. During the early

IN THE HOUSE OF REPRESENTATIVES, FEB. 7, 1767.

A MESSAGE TO HIS EXCELLENCY THE GOVERNOR.

MAY it please your Excellency,

Your Message of the 7th instant has been very attentively considered by the House of Representatives. In an answer to your Excellency's Speech we supposed that there might be found upon sundry ancient Records, Instances of the like conduct in former Lieutenant Governors, to that to which the House took Exception. We are humbly of opinion that the conduct of his Honor the Lieutenant Governor was not supportable by any Precedent; by which we think we cannot be understood to have intended otherwise than that no Precedents can prevail in support of any conduct, repugnant to the Constitution and the Letter of the Charter.

Upon the most careful examination, we find but two instances of the kind, in all Respects similar, since the opening of the present Charter; and in order to determine whether they are supportable or even countenanced by it, we beg leave to recite the matter of our complaint as it is expressed in our answer. We took occasion to say that we would not forbear to observe with concern that when the two Houses were directed to attend your Excellency in the Council Chamber, at a Time when none but the General Assembly and their servants are intended to be present, his Honor the Lieutenant Governor was pleased to appear in General Assembly, and there to continue, till the House returned to their own Chamber, while

years of his administration he enjoyed considerable popularity, but this was destroyed in the troubled times which followed, during which he was devoted to the British ministry. The Legislature petitioned for his removal and obtained it. He left Massachusetts in August, 1769, and died in England, in June, 1779.

your Excellency was not only in the Province, but actually in the Chair. And, that we were of opinion that this conduct was not supportable by any Precedent; but should there be found, upon searching ancient Records, any Instance of the kind, it was not only an Impropriety in itself, but repugnant to the Constitution, and the Letter of the Charter.

We find that in June, 1702, Lieutenant Governor Povey made his appearance at the Board, and afterwards in November, 1716, Lieutenant Governor Dummer did the same, each of them at a time when the Commander-in-Chief directed the attendance of the two Houses in the Council Chamber, while he delivered a speech to the General Assembly, and neither of them being at those several Times elected as Counsellors. These two instances, it is acknowledged are directly in Point; but we still are of opinion that they are in no degree countenanced by the Charter, but evidently repugnant to it. We observed to your Excellency that by the Charter, the General Assembly is expressly declared to consist of the Governor, the Council, or Assistants, for the time being, and such freeholders of the Province as shall be from time to time elected or deputed by the Major Part of the Freeholders and other Inhabitants qualified to give their Votes. We cannot conceive, how the Charter can countenance the Lieutenant Governor, as such, in taking a Seat or Place, as a Member of the General Assembly, unless we could suppose something contained in it, so absurd and contrary to self evident Propositions, as that all the Parts are not equal to the whole. As the plain design of the Charter is definitely to declare who are members of the General Assembly, it plainly excluded every person not expressly mentioned in it; And as the Lieutenant Governor is not one of the Persons mentioned in the Charter, he must therefore, most manifestly be not included in it. It is impossible that he should be Commander in Chief, in the Presence of the Governor, without contradicting that first Principle *in the Presence of the Superior the Authority of the Inferior ceases*. Neither can he as Lieuten-

ant Governor have any right to the Place of a Counsellor, unless chosen by the General Assembly, or the right to a Place of a Representative, unless deputed by the People, in the manner and form expressed in the Charter; Neither of these is the present case; and how he can have any Place in the General Assembly as Governor, or Counsellor, or Representative, we are utterly at a loss to conceive.

The Report of the Secretary, which accompanies your Excellency's Message, and to which you are pleased to refer us, cites those several passages in the Charter, where every Person elected a Representative before he sits or acts, is required to take the Oaths, &c., before the Governor or Lieutenant or Deputy Governor, or any two of the Assistants, who shall be thereunto authorized or appointed by the Governor. And where the Governor, and Lieutenant or Deputy Governor are required before they undertake the execution of their Offices, to take their respective Oaths, &c., the Governor before the Lieutenant or Deputy Governor, and then he before the Governor. But to what purpose these passages are cited and referred to, we must beg your Excellency to explain to us. With Regard to the first we apprehend that the Oaths, are to be taken before the Lieutenant Governor, *only* in the absence of the Governor, and in such case, he has the Power of authorizing and appointing two Assistants, if he thinks proper. This we take to be the plain and obvious meaning of the words of the Charter, and such a construction is fully justified by the clause which limits the Exercise of the Powers of the Lieutenant or Deputy Governor to a certain Time, viz: When the Governor shall be absent from the Province. And the other passage, by which he is empowered, upon the appointment of a Governor, to administer the Oaths to him, does not in the least serve to show a Right or even a pretence to a seat in the General Assembly. It may as fairly be argued, as we humbly conceive from any other clause in the Charter.

We are sensible, *may it please your Excellency*, that in early

Times there were instances of the Lieutenant Governor, making an appearance and taking a seat at the Board, when the Council were in their separate Chambers, as a Branch of Legislature; and at other times when they were acting in their executive capacity only: But the usage appears to us, to be [not] only repugnant to the Charter, but to common Principles, for to say that any person has a right to a seat in Council, who is not a member of it, is an absolute solecism. In this light Governor Belcher seems to have viewed it, in the Instances of Colonel Taylor, and Colonel Phipps; and however it may be said that these Gentlemen complained of it as a grievance, and submitted to it with Resentment, it is the opinion of this House, that Governor Belcher in excluding them from a seat in the Council in his Presence, when they were not elected as Counsellors, discovered a due regard to the Royal Charter and the Rights of the General Assembly, as well as a just sense of his own Honor, as commissioned by his Majesty to be Commander in Chief in the Province. As there has been no Instance of such a conduct, as we complain of in our Answer, since Lieutenant Governor Dummer's Time, in 1716, and but one Instance of the kind before; it appears to us unaccountable, that the Lieutenant Governor should think proper, at this Time, to take a step altogether unwarranted by the Constitution, and countenanced by two Precedents *only*. And altho' it appears by Mr. Secretary's Report, that there have been instances, in former times, of the Lieutenant Governor's setting at the Board, while the Governor was present, it must have been, as we conceive, for want of attention to the Charter. When Governor Belcher excluded Colonel Taylor, in 1730; and held to Colonel Phipps afterwards, and denied the Right of a Lieutenant Governor to sit in Council, it must have been a matter of publick notoriety. It is improbable that it should be otherwise. We do not find that either of those Gentlemen contended that they had the Right, which it is more than probable they would have done, if they had not been fully convinced, that they had not the Right:

By their Resentment of Governor Belcher's excluding them, it is to be presumed that they would have supported their claim, if it had been supportable; and their submitting is an evidence that it could not be supported. If they had the Right it was not in the Power of Governor Belcher to exclude them; and from the character which those gentlemen sustained, we are persuaded, they would never have relinquished a seat to which they thought they had a just pretension merely in complaisance to the Governor. But could we even admit of such a supposition, Colonel Phipps might have renewed his claim, and doubtless would, if he thought he could have supported it. In the next administration Governor Shirley, who succeeded Governor Belcher was a Gentleman well skilled in the Law and the Constitution, and would have acceded to his claim, and even invited him to his seat, if he had thought it just: But he saw Colonel Phipps, through the whole of his administration, which continued sixteen years, refusing on this very account, to make his appearance on any publick occasion, without intimating, as your Excellency has now done, that his Right to a Seat was Countenanced by Charter. From all which we must conclude that from the time of Governor Belcher's arrival, which is thirty seven years, it has been judged to be unconstitutional for the Lieutenant Governor to appear and take a Place at the Board, while the Governor is not only in the Province, but, actually in the chair: And we cannot suppose that a Gentleman thoroughly versed in all the public transactions of this Province as his Honor the present Lieutenant Governor could have been ignorant of it. As therefore we are not yet informed, whether he was introduced by your Excellency, or came in and took a seat of his own motion, we cannot see reason to admit that our remarks upon it have been too hasty.

IN THE HOUSE OF REPRESENTATIVES, FEBRUARY 10TH, 1769.

CONSIDERATION OF HIS EXCELLENCY'S MESSAGE.

The House according to order took into consideration his Excellency's Message of the 7th instant, and after a Debate,

Resolved, As the opinion of the House, That the Lieutenant Governor not being elected a Councillor, has not a right to a seat at the Council Board, with or without a voice while the Commander-in-Chief is in the Province.

A LETTER FROM HIS HONOR THE LIEUTENANT GOVERNOR* TO HIS
EXCELLENCY THE GOVERNOR.

Boston, 20th Feb'y, 1767.

I waited upon your Excellency to Council the first day of the Session of the General Court to testify my Respect to your Person, and to do Honor to the Commission you sustain, I had frequently been present in Council since the last Election, and not one member of either House ever intimated to me that he

* Thomas Hutchinson was born in Massachusetts in the year 1711, being a descendant of the celebrated Ann Hutchinson. At the age of sixteen he graduated at Harvard College, became a merchant, and failed, then studied law; was a member of the Massachusetts House of Representatives for thirteen years, during three of which he was speaker. He was Lieutenant Governor from 1758 to 1771, and in 1760 was appointed Chief Justice of the Province. After Governor Bernard's departure in 1769, he administered the government and was appointed Governor by the crown, a post which he filled until the destruction of the tea in Boston Harbour, after which General Gage was appointed in his stead. He died in England in 1780. He wrote a History of Massachusetts, from 1628 to 1774, published in three volumes.

was in the least degree dissatisfied with it. I suppose that there were several Parts of the Charter which gave countenance to it, and that there was no part which rendered it improper. I know that immediately upon the arrival of the Charter, it was the sense of the General Court that the Lieutenant Governor had a right to be present in Council. I thought that a contemporaneous Exposition, especially when the Persons who solicited the Charter in England, and who were consulted in the framing every part of it were then in the Province, together with an uninterrupted Practice for forty years immediately upon it, were sufficient to justify me. I was not insensible that one, and but one Lieutenant Governor, my immediate Predecessor, had not sat in Council, and I had heard that the Gentleman who was then Governor excluded him, but I heard, at the same time, that this was looked upon as a mere act of Power, admitting or excluding a Lieutenant Governor whensoever the Governor thought proper, and I did not imagine that the Act or Opinion of a single Governor would ever be urged against the opinion and Practice of the whole General Court, during the Administration of five preceding Governors. Your Excellency had never signified to me that my Presence in Council was disagreeable to you.

I am extremely concerned that any thing which relates to me should occasion a Difference in Sentiments between your Excellency and the House of Representatives, at a time when every man of every order ought to contribute all that is in his power to the Restoration of Harmony and Tranquility, and notwithstanding it is very grievous to me, that so Respectable a Body have passed so heavy a judgment upon my conduct, without giving me an opportunity of justifying or excusing it, I shall endeavour to be patient under my misfortune, and I will avoid all further occasion of further controversy with the present House of Representatives by wholly absenting myself from the Council Chamber, unless your Excellency shall give direction for my attendance there for any special purpose.

I am obliged to your Excellency for your Concern to vindicate my character. I hope enough has been already done for that purpose; but if not, I had rather wait some future opportunity of doing it, than be the means of continuing the least Dispute in the General Court, presuming that this my Act will never be improved to the prejudice of the future claim of the Lieutenant Governor, much less to the prejudice of the Right of the Governor or of the Council to admit a Lieutenant Governor to be present at the Board when they shall judge it proper.

I am with Great Respect,

Your Excellency's most obedient Servant,

THO. HUTCHINSON.

LETTER FROM THOMAS CUSHING, SPEAKER, TO DENNIS DE BERDT.

Boston, 19 March, 1767.

The House of Representatives wrote you some time since concerning the very extraordinary manner in which Governor Palliser, and the officers under his immediate command had treated our Fishermen, and at the same time inclosed you sundry Depositions relative thereto. We are very sorry to find ourselves under the disagreeable necessity of making further complaints with respect to the conduct of that Gentleman. You will observe by the inclosed Proclamation transmitted from him to His Excellency Governor Bernard, and by him printed and dispersed here, that he charges our Fishermen with having perpetrated the most horrid crimes imaginable, such as Murder, Robbery, Theft, &c., to the endangering of, not only the British Cod Fishery, but likewise the present harmony subsisting between the English and the Northern Tribes of Indians: These are crimes reproachful to Human Nature, and

such as the People of this Province by no means deserve to be charged with ; for after the most diligent Inquiry into the matter of Gentlemen of the most undoubted veracity, who have spent whole Summers upon that Coast, we can't find any one Fact that could possibly give colour to such a charge ; nor has Mr. Palliser himself furnished Governor Barnard with any one instance whereon to build this his most Injurious Representation.

We are the more alarmed at this Gentleman's most extraordinary conduct, inasmuch as, it seems, he is a good deal attended to by the Ministry, and his representations have already made some very dangerous impressions with respect to the American Trades, and more especially that important and interesting Branch the Cod Fishery. We are informed it was in consequence of some suggestions made by him that the Commissioners of his Majesty's Customs have lately issued some new and extraordinary orders relative to the Regulations of the vessels employed in our Cod Fishery, which if attended to literally must soon have put an End to that most important Branch of our Business: These regulations and orders consequent upon them, were transmitted to the Collector of the Port of Salem (the Port to which belongs the principal part of our Cod Fishery), requiring him to oblige them to go through the same Formalities of Assize as are required from trading vessels in general, the Surveyor General of his Majesty's Customs of this District has, from the necessity of the thing directed the aforementioned Collector to Act under such a limited construction of those orders as affords some temporary Respite from the evils which must arise from a conformity to the strict letter of them: The Surveyor General has represented this matter in a light favorable to the Interest of the Province, to the Commissioners of the Customs ; at which office you may find his statement of Facts and Reasoning upon the subject.

The House desire you would use your utmost endeavours to get the aforementioned order either reversed, or so qualified as

to prevent those inconveniences, which must be the necessary Consequences of them, if extended to the length above mentioned. You will likewise take every other prudential step which may have a tendency towards removing any ill impressions which may have been made, or guarding against any measures that may be in danger of taking place in consequence of the partial representations which Mr. Palliser has already made, or may hereafter make with respect to either the Inhabitants of this Province or its Commerce.

We are informed there have been several Remonstrances sent Home from America against Mr. Palliser's Conduct, particularly from Canada. You may probably be better able to effect any measures you may think necessary to undertake by concerting means and co-operating with the gentlemen who have the conducting of those matters.

In the name and behalf of the House
of Representatives,

I am y. Humble Serv't,

THOS. CUSHING, Speaker.

DENNIS DE BERDT.

LETTER FROM A COMMITTEE OF THE MERCHANTS OF BOSTON TO
DENNIS DE BERDT.

Boston, July 28, 1767.

SIR:

We received your several favors of the 9th and 4th of March, and duly observe what you say relating to our Concerns in which you have so kindly engaged. We are greatly obliged to you for the trouble you have taken in the Article of the Fishery, and hope we shall feel the good effects of it this year.

As you must, from your situation, know better than we

what conjunctures are favorable and what are not so, we leave it to you, as the best judge, when and how far to push any affairs in which we are concerned; and therefore acquiesce in your deferring the delivery of our Petition, for the reasons given.

It gives us great concern to find that mistakes and misrepresentations have raised us so many and so powerful enemies on your side the water. But as it is so, we are the more sensible of our obligations to the Noble Lord you mention, and others who appear in our favour, when we stand in so much need of them.

As we are convinced of your disposition and ability to serve us, we flatter ourselves you will still continue to be our Advocate as occasion may offer, especially as we shall desire nothing that is unreasonable in itself or in any manner detrimental to the Interest of Great Britain. In the meantime permit us, Sir, to assure you that we feel the warmest sentiments of gratitude for your generous and disinterested Friendship to us, and for the services you have done, and endeavoured to do, to this Province. We are with the greatest Respect,

Sir,

Your obliged and

Most obed't hum. Serv'ts,

EDWARD LAYNE,

THOMAS GRAY,

JOS. GREEN,

JOHN ROWE,

JOHN ERVING, Jun.,

SAM'L HUGHES.

Committee of the Merchants in Boston.

DENNYS DE-BERDT, Esq'ER.

MEMORIAL FROM DENNIS DE BERDT TO THE EARL OF SHELBURNE.*

To the Right hon'ble Lord Shelburne, one of his Majesty's
Principal Secretaries of State, the Memorial of Dennis De
Berdt, Agent for the House of Representatives of Massachu-
setts Bay,

Humbly Showeth,

That the said Colony duly observes and are thankful for, the great tenderness and concern the present and late Ministry have discovered for the Interest of that Colony and the Ample testimony they have given of their readiness to relieve them of every Burden relating to their Commercial Interest, induces them to make the following Representations of the Embarrassments which at present attend their Trade.

Your Mem^tist humbly begs leave to represent to your Lordships several things contained in his Instructions; the Restrictions of the Trade to the Sugar Islands and the heavy duty Imposed on Foreign Sugars will destroy our Navigation and Fishery and will prevent any but the finest sorts being Imported into America, and thereby give the french the advantage of Manufacturing them.

The deeming all sugars imported from the Continent french prevents a valuable return to G. B. for her Manufactures.

The great care of the officers in America in Loading Vessels there makes it needless for those vessels to call and unload at G. B. occasions so large an expence, as entirely to destroy that Trade.

The multiplicity of Bonds occasions an expense equal to the first cost of the Lumber and some of them are twelve months before they are cancelled.

* William, the second Earl of Shelburne, afterwards (in 1782) Prime Minister of England, and in 1784 created Earl of Weymouth and Marquess of Landsdowne. He died in May, 1805.

Another Grievance is the unlimited power of the officer to carry the vessel he seizes into what Port he pleases in the Continent, and after miscarrying in a tedious process is liable to no cost.

Your Memorialist's Constituents further observe that in those Ports where a regular Custom House is settled the Naval Officer may be removed.

Another difficulty is on their Trade to Spain and Portugal by the Ships from thence being obliged to stop in England, by which fruit and other perishable comodities are liable to be spoiled, by the length of the voyage.

But the grand matter of Complaint is the Restraint laid on their Fishery, no American being suffered to take Cod in the Straits of Belisle, or on Labrador shore, and thereby rendering our new watery acquisitions entirely useless, and the Restraint itself be attended with a very large expence, and instead of endeavoring to make the most of that extensive Fishery, it is become a scene of Violence between the Europeans and Americans—the interruption of the Fishery is weakening our Naval Power and depriving the Americans of the most valuable source for taking of and paying for the Manufactures of G. B.

Your Memorialist takes the liberty to lay before your Lordship a few Sentiments relating to the Fishery, that inexhaustable fund of Riches and power to G. B. this valuable Treasure may be viewed in a two fold light, as a Nursery for Seamen and as occasioning a Consumption and affording means to pay for our Manufactures.

The Fishery carried on from G. B. to America may produce a Number of Seamen for the speedy manning a fleet, the N. E. fishery in the Straits of Belisle is absolutely necessary for furnishing Sailors either for the recruit of the cruize or acting offensively in America, as its remarkably evident they did when the forces of America without any assistance from Home took the Strong Fortifications of Cape Breton, and therefore they are as really necessary as the European Supplies.

The other view of the Fishery is its being a source of Riches, nay, an inexhaustable source, exceeding the Mines of Mexico and Peru, to lay any restraint upon it in this view, is diminishing the National Treasures, stinting the growth of the Colonies and the greatest disadvantage to the Manufacturers of G. B. Restraints that are laid upon it are of that nature that your Memorialist apprehends they will not be fully removed, but by an Act of Parliament to explain that of William 3rd. and give free Liberty to all the British subjects to Improve the Fishery to the utmost, which greatly strengthens our Naval Power.

Your Memorialist's Constituents, have such an Opinion of the Justice and Wisdom of the present Administration that they doubt not it will appear reasonable to them and that as soon as these grievances are made known they will be redressed.

MEMORIAL FROM DENNIS DE BERDT TO THE EARL OF SHELBURNE,
1767.

MY LORD:

It is now received as an undoubted proposition, that the strength, riches, and Influence of Great Britain depend upon Commerce. Whatever, therefore, diminishes our Commerce must Impoverish and weaken our National Influences.

Our Commerce has been greatly curtailed in most parts of Europe and we have therefore only our connexion with America to trust to, as the source of our Strength, Riches, and Felicity.

Every thing therefore that Interrupts and weakens the mutual confidence which has been remarkable for a hundred years past, between Great Britain and her Colonies, must enfeeble the strength and diminish the riches of the Mother Country.

The advantage to be drawn from our American Colonies must arise, not from Taxes of any kind, but from extending our Trade—whatever measures Straitens and cramps our Trade, can never be compensated by any Taxation, nor anything be an equivalent for the decay of that mutual Harmony and friendly intercourse, which are the necessary cement of our Trade with them.

So deep a Scar was made by the late Stamp Act as is not hardly healed, making any fresh wounds, in our Commerce, if persisted in, must unavoidably occasion painful sensations, not only in America, but in Great Britain, and be felt not merely by the Merchants but by every Manufacturer with whom they are connected and no one corner of the Kingdom will escape the baneful influence.

To put any difficulties on the American Trade, will inevitably diminish our exports to that Country, from their inability to pay the Merchants for the Manufactures imported by them, which inability will be the same whether the people in America resolve to take goods or not.

The Governor and Judges being independent of the people which must render the course of Justice precarious, will be a further discouragement to Trade, and will raise fresh in the minds of the Americans the evils that attended such a measure when their forefathers left their native Country.

When the Merchants dare no longer venture their substance on such uncertainties, the Americans will be under the necessity of using their own Manufactures, tho' contrary to their present taste and inclination, to prevent them pursuing this only resource and remedy, must be the most manifest Injustice and as absurd as to make a Law to oblige them to go naked.

The only method to secure our mutual Interests and effectually prevent the Americans thinking seriously of Manufacturing must be to encourage cultivating their lands and extending their Commerce, and thereby enabling them to pay for the various Merchandise of Great Britain, which at present lie

on hand for want of a market and will leave thousands of our poor unemployed and ripe for Tumult and confusion.

I submit to your Lordship's Superior judgment if any sum of money raised by taxes, can compensate the evils which must inevitably follow, discouraging a Trade to the amount of two Millions a year and which employs a hundred thousand hands who are already in the greatest distress thro' the dear-ness of provisions, and whose distresses before the Winter is out may make them desperate, as well as losing the confidence and esteem of two millions of the most loyal Subjects in his Majesty's Dominions, whose Affection for their Mother Country is Strong and Natural.

I am

Your Lordship's

Dutiful and Obedient Servant.

EXTRACT OF A LETTER FROM GOV'R BERNARD TO THE EARL OF
SHELBURNE, DATED BOSTON 3d. JAN. 1768.

I RECEIVED Your Lordship's Letter N. 11, by the November Mail, which arrived here this day Sennight; the October Mail which has other letters of your Lordship for me is not arrived here, tho' by the accounts we have it is daily expected; I have therefore at present only to say that I shall regard the letter now received rather for my own Instruction than a direction to others. The time is not yet come when the House is to be moved against popular printers however profligate and flagitious. But if there was a view of success, I should by no means think it proper to make such an attempt now when the House shows so good a disposition to a reconciliation to Government of which they have given good proof since the date of my former Letter: They have acted in all things even

in their Remonstrance (as far as I who have not been allowed a sight of it, can learn) with Temper and moderation. They have avoided some subjects of dispute and have laid a foundation for removing some causes of former Altercations. I speak this only from private report, nothing of this kind very material having as yet come up to me.

But in one thing the House have shown itself contra Agent to the Faction, who want again to embroil America. There is no doubt but the principal Design in forming these remonstrances was to set an example to the rest of America, and produce a general Clamour from every other Assembly against the late Acts. This was partly defeated by my refusing to call the Assembly before the usual time; and again by the House's resolving to form their remonstrance in such a manner that it should not of necessity be made public; but tho' this last intention was quite inconsistent with the purpose of communicating the substance of their remonstrance to the other Assemblies, yet it did not discourage the party from attempting it. The House was accordingly moved that a day be assigned to take into consideration the propriety of informing the other Governments with their proceedings against the late Acts, that if they thought fit, they might join therein; Upon the day, this was strongly opposed and fully debated, it was said by the opposers of the motion, that this would be considered at home as appointing another Congress, and perhaps the former was not yet forgot. Upon the close of the debate, it was carried in the negative by at least 2 to 1. No one transaction in the House has given me so great hopes that they are returning to a right sense of their duty, and their true Interest, as this has done; and I hope it will make some atonement for their Remonstrance.

A true Copy.

In the absence of the Clerk of the Papers.

JNO. SPEED.

EXTRACT OF A LETTER FROM GOVERNOR BERNARD TO THE EARL
OF SHELBURNE, DATED BOSTON, JAN. 21, 1768.

I FOUND it necessary to call the Assembly sooner than I intended, and they accordingly met on Dec. 30th. I deferred giving your Lordship any account of their proceedings till they should become interesting enough to deserve your Lordship's Notice. The first 18 days were spent in preparing Remonstrances against the Act for imposing New Duties, and directing the application of them for the support of Justice and the Government. A few days before the meeting of the Assembly the Speaker of the House was with me, and in the course of conversation informed me that it was intended to remonstrate against the late Acts, and asked my opinion upon it. I told him that if they were determined upon that step I would advise them to do it in such a manner that the Terms of their Remonstrance might not necessarily come before Parliament, for I knew that however cautiously it might be worded it would not be free from a claim of a right to an exemption from Acts of this kind and I was well assured that however favourable the Parliament had been to them heretofore it was at present by no means disposed to bear with a farther dispute of their Authority so soon after it had been so solemnly declared to be inherent in them; and especially in the present case, which was of Port Duties, which had heretofore been admitted to belong to Parliament, and now were to be taken away by a refinement which however it might read in American Newspapers, could never be heard in the Two Houses, which allowed of no distinctions in what they should think fit to enact for America. I added that if they should think fit to address His Majesty's Secretary of State upon this Occasion, it was my official business to take the charge of it, and I should faithfully remit it, whatever the contents were, and if they put it into other hands,

I should Remonstrate against it as being irregular and unconstitutional for any Addresses to pass from an Assembly (where the King has a Representative presiding) to His Majesty either directly or indirectly, except thro' the mediation of His Representative.

As soon as the Assembly met, the House ordered the Commission of the Commissioners of the Customs which was Registered in the Secretary's Office to be brought in and read, and then appointed a Committee to consider the State of the Province and Report. This Committee reported a Letter to Mr. De Berdt, their Agent, and another to Your Lordship. These being very long they took many days consideration, in which many offensive passages were struck out; tho' I am told there still remains at least in the Letter to Mr. De Berdt several bold expressions. These two letters took up 18 days, after which the Committee reported an address to the King, which was concluded and agreed upon in 4 or 5 days more, when the two first letters were finished I directed the Secretary to ask the Speaker to let me have a sight of them as I had been always used to do in like cases, without ever being refused. The Speaker said he must advise about it, and afterwards told the Secretary that there was an order of the House that no Copies should be taken and therefore he could not let me see them. The Secretary replied that that was no objection to my seeing them, for that I did not want any copy and would give him an Assurance that no Copy should be taken whilst in my hands and advised him to see me. The Speaker came to me and repeating his difficulties offered to take the opinion of the House. I told him he should not move the House in my name, for I would not put it in their power to refuse me this; that I had already waited five days for a sight of those papers, and if he would not let me have it now, I should take it as a refusal and should acquaint the Secretary of State with it. He still said that he would endeavour to get leave to shew them to me, but nothing has been done. I must add that I by no means apprehend this to

be an affront to my person, but my Office, for at this time the Speaker himself seemed uncommonly desirous for some other means to persuade me of his respect; and the House from the time of the opening of the Session to this day has shown their disposition to avoid all dispute with me; every thing having passed with as much good humor as I could desire, except only their continuing to act in addressing the King, remonstrating to the Secretary of State and employing a separate Agent as if they were the States General of the Province, without a Gov'r and King's Council. It is the Importance of their innovation without any influences of my own which induces me to make this remonstrance to Your Lordship at a time when I have a fair prospect of having in all other business nothing but good to say of the proceedings of this House, I mean so far as their disposition has hitherto appeared.

A true Copy.

In the Absence of the Clerk of the Papers.

JNO. SPEED.

CIRCULAR LETTER SENT BY THE HOUSE OF REPRESENTATIVES OF THE PROVINCE OF MASSACHUSETTS BAY, TO THE SPEAKERS OF THE HOUSES OF REPRESENTATIVES OF THE SEVERAL GOVERNMENTS ON THE CONTINENT.

PROVINCE OF THE MASSACHUSETTS BAY, FEB. 11, 1768.

SIR:

The House of Representatives of this Province have taken into their serious consideration the great difficulties that must accrue to themselves and their constituents by the operation of the several Acts of Parliament imposing Duties and Taxes on the American Colonies.

As it is a subject in which every Colony is deeply interested they have no reason to doubt, but your Assembly is duly im-

pressed with its importance, and that such Constitutional measures will be taken by them as are proper.

It seems to be necessary that all possible care should be taken that the Representatives of the several Assemblies upon so delicate a point should harmonize with each other: The House therefore hope that this Letter will be candidly considered in no other light than as expressing a disposition freely to communicate their mind to a Sister Colony upon a Common concern in the same manner as they would be glad to receive the sentiments of your or any other House of Assembly on the Continent.

This House have humbly represented to the Ministry their own sentiments that his Majesty's high Court of Parliament is the Supreme Legislative Power over the whole Empire: That in all free States the Constitution is fixed, and as the Supreme Legislative derives it's power and Authority from the Constitution, it cannot overleap the bounds of it without destroying it's own foundation: That the Constitution Ascertaines and limits both Sovereignty and Allegiance, and therefore his American Subjects who acknowledge themselves bound by the Ties of Allegiance, have an equitable claim to the full enjoyment of the fundamental Rules of the British Constitution: That it is an essential unalterable Right in Nature engrafted into the British Constitution as a fundamental Law and ever held sacred and irrevocable by the Subjects within the Realm, that what a man has honestly acquired is absolutely his own, which he may freely give but [which] cannot be taken from him without his consent. That the American Subjects may therefore, exclusive of any consideration of Charter Rights, with a decent firmness adapted to the character of Freemen and Subjects Assert their National Constitutional Rights.

It is moreover their humble opinion, which they express with the greatest deference to the Wisdom of the Parliament that the Acts made there imposing Duties on the People of this Province with the sole and express purpose of raising a Reve-

nue are infringements of their National Constitutional Rights; because as they are not represented in the British Parliament; His Majesty's Commons in Great Britain by those Acts grant their Property without their consent.

This House further are of opinion that their Constituents considering their local circumstances cannot by any possibility be Represented in the Parliament: And that it will forever be impracticable that they should be equally Represented there, and consequently not at all: And that His Majesty's Royal Predecessors were graciously pleased for this Reason to form a Subordinate Legislature here that their Subjects might enjoy the unalienable Right of Representation; and that considering the utter impracticability of their being fully and equally Represented in Parliament and the great expense that must unavoidably attend even a partial Representation there, this House think that a Taxation of their Constituents, even without their consent, grievous as it is, would be preferable to any Representation that could be admitted for them there.

Upon these Principles, and also considering that were the Right in the Parliament ever so clear, yet for obvious Reasons it would be beyond the rules of Equity that their Constituents should be taxed on the Manufactures of Great Britain here in Addition to the Duties they pay for them in England, and other advantages arising to Great Britain from the Acts of Trade, this House have Preferred a humble dutiful and Loyal Petition to our most gracious Sovereign and made such Representations to His Majesty's Ministers as they apprehend would tend to obtain Redress.

They have also submitted it to Consideration whether any People can be said to enjoy any Degree of Freedom, if the Crown, in addition to its undoubted Authority of Constituting a Governor should also Appoint him such a Stipend, as it shall judge proper without the consent of the People and at their expense; and whether while the Judges of the Land and other civil Officers in the Province hold not the Commissions during

good behaviour, their having salaries appointed for them by the Crown independent of the People, hath not a tendency to subvert the Principles of Equity and endanger the happiness and security of the subject.

In addition to these measures the House have wrote a letter to their Agent, Mr. De-Berdt, the sentiments of which he is desired to lay before the Ministry, wherein they take notice of the hardships of the Act for Preventing Mutiny and Desertion, which requires the Governor and Council to provide enumerated Articles for the King's Marching Troops, and the People to pay the expense; and also of the Commission of the Gentlemen appointed Commissioners of the Customs to reside in America, which Authorizes them to make as many appointments as they think fit, and to pay the Appointees what sums they please, for whose mal Conduct they are not accountable; from whence it may happen that officers of the Crown may be multiplied to such a degree as to become dangerous to the Liberties of the People, by virtue of a Commission which doth not appear to this House to derive any such advantages to Trade as many have been led to expect.

These are the sentiments and proceedings of this House; and as they have too much reason to believe that the enemies of the Colonies have represented them to His Majesty's Ministers and the Parliament as factious, disloyal and having a disposition to make themselves independant of the Mother Country, they have taken occasion in the most humble Terms to assure His Majesty and his Ministers that with Regard to the People of this Province and as they doubt not of all the Colonies, the charge is unjust.

The House is fully satisfied that your Assembly is too generous and enlarged in Sentiment to believe that this Letter proceeds from any Ambition of taking the lead or dictating to the other Assemblies. They freely submit their opinion to the judgment of others, and shall take it kind in your House to point out to them any thing further which may be thought necessary.

The House cannot conclude without expressing their firm confidence in the King our Common Head and Father, that the united and dutiful supplications of his distressed American Subjects will meet with his Royal and favorable acceptance.

In the name and by order of the House of Representatives,

I am, sir, with great respect,

Y'r most obd't humble Serv't,

THOMAS CUSHING, *Speaker*.

To the Speaker of the House of Representatives of the Colony of, &c.

EXTRACT OF A LETTER FROM GOV'R BERNARD TO THE EARL OF
SHELburnE, DATED BOSTON, FEBRUARY 18th, 1768.

By my Letter No. 2, I informed your Lordship that a motion in the House for circulating a copy of their Proceedings against the late Acts of Parliament to all the Assemblies on the Continent had been rejected by above 2 to 1 and that I formed promising conclusions from this defeat of the factious party. But I was too hasty in my approbation of the Conduct of the House: This was too great a point to be given up; the party therefore resolved to make another effort, and having prepared the way by privately tampering with and influencing particulars, they moved that all the former proceedings upon this point should be obliterated out of the Journal, which being agreed to, the way became clear for another Motion, that a Committee should be appointed to prepare a Circular Letter to the several Speakers of the Assemblies upon the Continent containing an abstract of their remonstrances against the late Act and a desire that the other Assemblies *would join* with them. A Letter was presently reported and agreed to by the House.

As soon as I knew that this was past I got the Speaker to come to me, and in the presence of the Secretary, required a Copy of the Circular Letter, that I might transmit it to your Lordship, to whom I said I should be obliged to send an account of this extraordinary proceeding which I feared would be thought similar to the Congress in 1765. He said that he did not doubt that it would be easily obtained with the leave of the House. He accordingly asked the Leave of the House the next day, which he not only obtained for the Copy in question, but also for the other proceedings of which he had refused me the sight some time before.

I now send your Lordship a Copy of this Circular Letter, which I would animadvert upon if the time would permit. At present I will only make two observations, 1st. That this present undertaking is calculated to inflame the whole Continent, and engage them to join together in another dispute with the Parliament about the authority of the latter, altho' the present subject matter was professedly allowed by the Americans themselves to be within the bounds of the power of Parliament at the time of the former dispute. 2nd. That the Distinctions by means of which they now transfer the matters contained in the late Act of Parliament from the range of what they before conceded to Parliament to that of what they before denied is equally conclusive of all Acts of Parliament imposing Duties in any of the American Ports and consequently if the last Act be given up to those pretensions, all other Acts of American revenue must follow. I shall write fully to your Lordship upon this subject, when I have Leisure to review the proceedings of this Session.

A true Copy.

In the absence of the Clerk of the papers.

JNO. SPEED.

Endorsed,

Received April 15.

PROCEEDINGS OF THE MERCHANTS OF BOSTON.

AT a full meeting of the Merchants and Traders in the Town of Boston, convened at the British Coffee House the 1st day of March 1768. The following Votes were unanimously passed.

That it is the opinion of this Company that every Legal Measure for freeing the Country from the present Embarrassments should be adopted, and among others the stopping the importation of Goods from G. Britain under certain limitations. And that a Committee be chosen to fix on and Report to this Company on adjournment the best Measures for carrying into execution the foregoing Vote.

And at their Meeting on Adjournment March 4th, the Committee Reported and the following Resolutions were unanimously agreed to.

In Consideration of the great scarcity of money, which has for several years been so sensibly felt among us, and now must be rendered much greater, not only by the immense sums absorbed in the Collection of the Duties lately imposed, but by the great Checks given thereby to Branches of Trade which yielded us most of our money and means of Remittance.

In Consideration also of the great debt now standing against us, which if we go on increasing by the excessive Imports we have been accustomed to while our sources of Remittances are daily drying up, must terminate not only in our and our Country's ruin, but in that of many of our Creditors on the other side of the Water.

In Consideration further of the danger from some late Measures of our losing many inestimable Blessings, and advantages of the British Constitution which Constitution we have ever Revered as the Basis and Security of all we enjoy in this life.

Voted, That we will not for one year send for any European Commodities excepting Salt, Coals, Fish, Hooks, Lines, Hemp and Duck, Barr Lead and Shott, Cards and Card Wire.

Voted that we will encourage the produce and manufactures of these Colonies by the use of them in preference to all other manufactures.

Voted, That in the purchase of such articles as we shall stand in need of we will give a constant preference to such Persons as shall subscribe to these Resolutions.

Voted, That we will in our separate capacities inform our several Correspondents of the Reasons and point out to them the Necessity of withholding our usual order for their Manufactures, to the end that the said Impediments may be removed and Trade and Commerce may again flourish.

Voted, That these Votes or Resolutions be obligatory or binding on us from and after the time that these or other similar or tending to the same salutary purpose be adopted by most of the principal trading Town in this and the neighbouring Colonies.

And at a further adjournment of said Meeting, March 9th, The Question being put whether it be the minds of the Gentlemen present who have signed the Subscription Papers that they are bound not to forward their orders for any goods 'till the first Tuesday in May next, that the determination of the Merchants and Traders in the Neighbouring Towns and Colonies may be known.

Passed in the affirmative unanimously. It was also Voted, That they would not dispose of any goods sent them on Commission nor purchase any of any Factor who should Import them within the Time they themselves shall be restrained from Importing, and that those Gentlemen who have already forwarded their orders for Fall Goods are desired to countermand the same.

And it was further Voted, That a Committee be appointed to Correspond with the Merchants in the other Trading Towns and Provinces and forward to them the foregoing Votes, and that said Committee be empowered to call a meeting when they

think necessary. The following Gentlemen were appointed a Committee for that Purpose.

JOHN HANCOCK, Esq.,
JOHN ROWE, Esq.,
MR. EDWARD PAYNE,
WILLIAM PHILLIPS, Esq.,
MR. THOMAS BOYLESTON,
ARNOLD WELLS, Esq.,
MELATIAH BOURN, Esq.,
MR. HENDERSON INCHES,
JOHN ERVING, JUNR. Esq.

A True Copy.

Attest,

WM. PALFREY, Clerk.

LETTER FROM THE COMMITTEE OF THE MERCHANTS OF BOSTON TO
EDWARD SHEUFFE AND RICHARD CAREY, ESQS., CHARLESTOWN,
MASS.

BOSTON, March 16th, 1768.

GENTM :

The Merchants and Traders of this Town having had several Meetings, did on the 9th Instant Unanimously agree to the inclos'd Resolutions, and generally enter'd into Subscriptions for that purpose—and in Consequence of these Votes we address you Gent'n to desire the favour of you to promote the same Measure and Resolutions with the Merchants and Traders of your Town, or any of your Neighbouring Towns, where there are Importers—and we doubt not you will see the propriety of this method and prosecute the same with a zeal adequate to the importance of it. As we apprehend this plan will have a good Effect, and we hope will in time procure us Relief and be of more service than any Remonstrance we can make—

You will please to observe by the Votes that it will be necessary to act upon this Affair as soon as may be, as our obligations in subscribing dépend upon the determination of the other Provinces and Trading Towns. We are with esteem,

Your most humble Servants,

JOHN HANCOCK,
JOHN ROWE,
EDWARD PAYNE,
WM. PHILLIPS,
THO. BOYLSTON,
ARNOLD WELLES,
MELATIAH BOURN,
HENDERSON INCHES,
JOHN ERVING, Jun.

EDWARD SHEAFFE AND RICHARD CAREY, Esqs.

Charlestown, Mss.

LETTER FROM THE EARL OF HILLSBOROUGH* TO GENERAL GAGE.

WHITEHALL, 8th June, 1768.

(Secret and Confidential.)

SIR:

I transmit to you for your private information Copies of a Letter from his Majesty's Commissioners of the Revenue to the Lords of the Treasury; of my circular Letter to the several Governors upon the Continent in Consequence of it and of Govr. Bernard's three last Letters to my Office.

The Contents of these Papers will evince to you how

* Wills, second Viscount and First Earl of Hillsborough in the Irish Peerage and first Earl of Hillsborough in the English Peerage. In 1768 he was appointed Secretary of State for the colonies, a new distinct department, which he held until 1772, when he resigned. In 1779, he was reappointed to the same situation.

necessary it is become, that such measures should be taken as will strengthen the hands of Government in the Province of Massachusetts Bay, enforce a due obedience to the Laws and protect and support the Civil Magistrates and the Officers of the Crown in the execution of their Duty.

For these purposes I am to signify to you his Majesty's pleasure that you do forthwith order one Regiment or such Force as you shall think necessary to Boston to be Quartered in that Town and to give every legal assistance to the Civil Magistrates in the preservation of the public peace; and to the Officers of the Revenue in the Execution of the Laws of Trade and Revenue. And as this appears to be a service of a delicate nature, and possibly leading to consequences not easily foreseen, I am directed by the King to recommend to you to make choice of an officer for the Command of these Troops, upon whose prudence, resolution and Integrity you can entirely rely.

The necessary measures for Quartering and providing for these Troops must be entirely left to your direction, but I would submit to you, whether, as Troops will probably continue in that Town and a place of some strength may in case of emergency be of great service it would not be adviseable to take possession of and repair, if repairs be wanting the little Castle or Fort William and Mary which belongs to the Crown.

I am &c.,

HILLSBOROUGH.

Hon'ble GENL. GAGE.

A true copy,

In the absence of the Clerk of the Papers

JNO. SPEED.

LETTER FROM GOVERNOR BERNARD TO THE EARL OF HILLSBOROUGH.

BOSTON, June 11, 1768.

MY LORD:

I am sorry to inform your Lordship, that a great Riot happened in this Town last evening, which had very bad consequences, tho' happily there were no lives lost. The Collector and Comptrollers of this Port seized a Sloop for openly and forcibly landing a Cargo of Wines without paying Duty, and by means of assistance from the Romney Man of War, secured her. Upon their return home they were attacked by a mob, with Clubs, Stones, and brickbats. Mr. Harrison the Collector was bruised, particularly in the breast, but kept his legs so as to escape thro' an alley, Mr. Hollowell *the Comptroller, was knocked down and left on the ground covered with blood.* He has many wounds and bruises, but none dangerous to life. Mr. Harrison's son, a young Gentleman, not in any office, who accompanied his Father, was knocked down and dragged by the hair of his head, and would have been killed, if he had not been got into an house by some standers by. In another part of the Town Mr. Irvine under the Board of Commissioners was attacked by another Mob, very much beat and abused and would probably have been killed if he had not been rescued by two of the mob, and enabled to escape thro' an house. This Gent. was concerned in no ways in the seizure. After this they went to Mr. Hollowell's house and began to break his windows and force an entry, but was diverted therefrom by assurances, that Mr. Hallowell was almost killed, and was not at home. They then went to Mr. Harrison's and broke his windows but he not being at home and the owner of the house, entreating them to depart, they left it; Then they went to Mr. Williams' House, one of the Inspectors General, who was then at a distance from Boston, and broke near an hundred panes and did other damage to the

house. But upon Mrs. Williams' appearing and assuring them that he was absent and only she was at home, they departed. Happily they did not break into any house, for if they had got at a Cellar, the mischiefs would have been greater and more extensive.

After this they went to a wharf where lay a pleasure boat belonging to Mr. Harrison, built by himself in a particular and elegant manner. This they took out of the water and carried it into the common and burnt it. By this time there were about 500, some say 1000 men gathered together. Whilst the boat was burning some gentlemen who had an Influence over them persuaded them to depart. This was afterwards put to the vote. Whereupon proclamation was made "each man to his Tent." Before this they were harangued by a Leader, who among others used these words, as they have been reported to me. "We will support our Liberties, depending upon the Strength of our own Arms and God:". whilst they were upon the Common they got some Rum, and attempted to get more, if they had procured it in quantity God knows where this thing would have ended. And now the terror of the night is over it is said to be only a prelude to further mischiefs, the threats against the Commissioners and all the Officers of the Board being renewed with as great malice as ever.

This morning I got the Council together as soon as I could, and laid the affair before them. After a long altercation about what should be done, in which appeared a disposition to meddle with it as little as possible, It was advised and ordered, that such of the Council as were Justices of the Peace, should assist me in ascertaining the Facts of the Examination of Witnesses; and Monday morning at 9 o'clock is appointed for proceeding upon this business. When this is done I shall be able to give your Lordship a more full and particular account of this affair. At present what I send is only the heads of it, which I dare say will vary materially from the most authentic Accounts, and I write this at present in order to send it by the Post to

New York to take the chance of the Packet, which it will probably just hit the time of.

I am with great respect, My Lord,
 Your Lordship's most obedient and
 most humble Servant,
 FRA. BERNARD.

The Right Hon'ble the
 EARL OF HILLSBOROUGH.

P. S. June 13.—This morning early I received a Letter from the Commissioners informing me of some particulars from whence they concluded that they were immediately exposed to further violences, and therefore they on Saturday evening took shelter on board the Romney Man of War, that it being necessary to provide for their further security they desire that their Families and Officers may be accommodated and protected at the Castle. I immediately answered this by enclosing an order to the Captain of the Castle to receive them accordingly.

This morning a paper was found stuck up on Liberty Tree inviting all the Sons of Liberty to meet at 6 o'clock to clear the land of the Vermin which are consuming them, &c. &c. I have been in Council all this morning to consider of preventing an Insurrection to night. No resolution has or will be taken before I send away this; perhaps the Commissioners retiring may assist our purposes.

A true Copy,
 In the Absence of the Clerk of Papers,
 JNO. SPEED.

COPY OF A LETTER FROM THE COMMISSIONERS OF CUSTOMS TO THE LORDS OF THE TREASURY, WITH ACCOMPANYING JOURNAL AND DEPOSITIONS.

MAY it please your Lordships:

In our former Memorials to your Lordships, we represented the disaffection of the People here to the Revenue Laws, and

from the many treasonable publications that had been spread through all the Provinces, and the Correspondence carried on by the several Assemblies, we were persuaded there had been a long concocted and intensive plan of resistance to the authority of Great Britain; and we believe that the seizure referred to in the inclosed Papers, has hastened the People of Boston to the Commission of actual violence sooner than was intended.

From their outrageous behaviour towards our Officers, and their repeated threats of immediate violence to our Persons, we found it absolutely necessary in order to save his Majesty's Commission from further insult, and to preserve our lives, to take shelter on board his Majesty's ship the Romney, in Boston Harbour, from whence we are removed into Castle William to carry on the business of the Revenue, till we can receive such protection as will enable us to act in safety in Boston.

We herewith lay before your Lordships Copies of our Minutes of the 13th and 14th Inst. together with Copies of several Affidavits and Letters relative to our present situation agreeable to the Schedule inclosed, and we beg leave to submit our opinions, that nothing but the immediate exertion of Military Power will prevent an open revolt of this Town, which may probably spread throughout the Provinces.

Which is humbly submitted,

HENRY HULTON.

T. TEMPLE.

WM. BURCH.

CHAS. PAXTON.

JOHN ROBINSON.

Castle William,
Boston Harbour,
June 16, 1768.

To the R't Hon'ble
THE LORDS OF THE TREASURY.

(COPY No. 2.)

ON BOARD HIS MAJESTY'S SHIP ROMNEY,
Monday, 13 June, 1767.

Henry Fulton Esq. in the Chair.

Present: Mr. Robinson, Mr. Burch, Mr. Paxton, and Mr. Temple.

Mr. Harrison Collector of this Port having laid before the Board on the 10th Instant, an information taken on Oath setting forth that the Tidesman placed on board the Sloop Liberty, which arrived from Madeira on the 9th day of May, had been forcibly confined on board the said Vessel, during which time part of the Cargo had been unladen, before entry thereof had been made at the Custom House or Naval Office; the Commissioners referred the matter to the Consideration of the Solicitor, and in the evening the Collector and Comptroller made seizure of the said Vessel and delivered her into the charge of the Master of his Majesty's Ship Romney, which lay near the wharf when the seizure was made, who immediately carried her along side the said Ship, as there was a Mob assembled who attempted to rescue her. The Collector and Comptroller with the Son of the Collector, on their return from the wharf into Town, were attacked by a numerous and outrageous Mob. Mr. Irving, Inspector of Imports and Exports, who happened to be passing the same way in his return from the wharf, was likewise attacked by the Mob, who cried out he is a Commissioner, kill him, kill him, these several Persons were grossly insulted and much bruised and escaped with the utmost hazard of their Lives, the Collector having been confined to his Bed, and in great danger from a blow he received on his breast with a stone or brickbat thrown at him, and the Comptroller having been likewise confined to his house under the care of a Surgeon, from the wounds and Bruises he received; after these violences committed on the Persons of the Officers the Mob proceeded to

the Houses of the Collector and Comptroller, broke their windows and those of Mr. Williams Inspector-General, and they concluded the Night with dragging the Collector's Boat from the wharf through the Town to the Common, where they burnt it.

Whilst these outrages were committing, the Commissioners had every reason to expect they should meet with the like insults, and therefore retired from their houses, taking shelter till after midnight with their families in the Houses of some Persons in the Neighbourhood. Early on the next day the Gov. acquainted the Commissioners that the Council would meet on the affair of the Riot of the preceding Evening, and desired, if the Board had any thing to communicate to them thereon, that it might be laid before them, upon which the Chairman summoned the Commissioners to meet, it not being a Board day, when they wrote a letter to Governor Bernard and the Collector, Comptroller, Mr. Irving and Young, Mr. Harrison having sent to the Board their affidavits on the affair, the Commissioners immediately directed the Secretary to lay them before the Governor in Council. The Board received a letter from Mr. Oliver, Secretary of the Province, acquainting them, that the inquiry into the affair of the Riot was referred to a Committee of the Council, to be reported on Monday, 11th. During this day the Commissioners received frequent Informations that further Riots were intended, and in the afternoon a verbal message was brought to them, at Mr. Paxton's, where four of them dined in company with the Governor, that the Town was in a great ferment, and that Mr. Hancock, the owner of the Sloop, desired she might be restored upon his giving Bond to answer the Prosecution that might be commenced against her, in order to quiet the Town; the Commissioners told the Person they could give no answer to verbal messages, that if the owner had any application to make to them, he must do it in writing to be laid before the Board. The Com-

missioners considering this application as a menace, and finding no measures had been taken by the Governor and Council for securing the Peace of the Town, and the Governor having repeatedly told the Commissioners that he could give them no protection, and that he would not apply to General Gage for Troops, unless the Council advised him to it, and at this time said there was no safety for them in this place and they considering the Temper of the People and the appearance of further disturbances that night, thought it most prudent to secure a retreat on Board his Majesty's ship, and accordingly wrote to Capt. Corner, and in the Evening Mr. Burch and Mr. Hulton with their Families went on board the Romney, and the next day Mr. Robinson and Mr. Paxton came on Board the Man of War, when the Commissioners wrote a letter to Governor Bernard.

Monday 13th. Read a letter of Yesterday's date from the Chairman to the Secretary.

Read a letter wrote by Three Commissioners at 3 o'clock this morning to the Collector and Comptroller at Boston.

Read a letter of the 11th Inst. from the Collector and Comptroller of Boston, giving an account of their seizing the Ship Liberty, Capt. Bernard, from Madeira and delivering her into the possession of the Master of the Ship Romney.

Read a letter of this date from Governor Bernard, inclosing orders to the Captain of Castle William for receiving the Commissioners with their Families and the officers of the Board, into the Castle, and giving them all the protection in his power. Read a letter wrote yesterday by the Chairman to the Comptroller and Collector of Boston directing them to draw up and deliver to the Secretary a written representation of the Proposals made for returning the seizure to Mr. Hancock. As the present meeting of the Board is to concert measures to be immediately taken for the Honour of Government and Security of the Revenue,

Resolved, That Capt. Corner be desired to take a seat with the Commissioners at the Board, and he assisted at the Board accordingly.

Read a letter from the Collector and Comptroller of Boston dated June 12th, in answer to the letter wrote by the Chairman Yesterday. Signed a letter to Capt. Corner. Signed a letter to Governor Bernard.—Ordered that it be delivered to him by the Secretary. The Board adjourned till to-morrow Morning 10 o'clock, when Mr. Temple and the Secretary at 2 o'clock went on Shore, the other Four Commissioners and their Families remaining on Board.

H. H.

ON BOARD HIS MAJESTY'S SHIP ROMNEY.

Tuesday, 14th June, 1768.

Henry Fulton Esq., in the chair.

Present: Mr. Burch, Mr. Robinson, Mr. Paxton and also Capt. Corner, who was desired to attend as yesterday.

The Secretary having in the evening been directed to acquaint Mr. Temple that the Board would meet at 9 o'clock this morning, and that the Custom House Barge would attend at Wheelwright wharf to take on Board the Ship Mr. Temple, the Secretary and such other officers as might be there.

About 11 o'clock, no boat appearing at the wharf before, the Secretary came on board bringing with him a Letter from Mr. Temple excusing his attendance at the Board on account of the weather.

The Board were acquainted that advertisements were yesterday stuck up in various parts of the town and hand bills distributed, of which the following is a copy :—

BOSTON, June 13th, 1768.

"THE SONS OF LIBERTY

"Request all those who in this time of oppression and
"distraction, wish well to, and would promote the Peace, good
"order, and security of the Town and Province to assemble at
"Liberty Hall, under Liberty Tree, on Tuesday the 14th
"Instant, at 10 o'clock Forenoon precisely." And that in consequence thereof a Red Flag was hoisted yesterday in the afternoon at Liberty Tree and continued Flying this morning, and that about 10 o'clock this morning a great Number of People, supposed to be near 2000 met, and after choosing a Moderator adjourned to Fanuel Hall till 3 o'clock in the afternoon.

Read another Letter from Governor Bernard dated the 13th Instant.

The Board taking the said Letters into consideration, together with their letters to the Governor of the 12th and 13th instant, and having received repeated information of the tumultuous and disordered state of the Town of Boston, still continuing and increasing are fully persuaded of the justness, and propriety of their said Letters to the Governor.

Resolved, That from the outrageous behaviour of the People in the Town of Boston, the Commissioners cannot return there, but at the utmost hazard of their safety and the Honour of the Crown.

Resolved, That not receiving any assurances from the Governor and Council of protection in Boston the Board judge it expedient to retire to Castle William, which the Governor has offered to the Commissioners in order to carry on the Business of the Revenue.

Resolved, That a Letter be wrote to Capt. Corner to desire he will put the Commissioners on shore at Castle William, and that he will remain there with his Majesty's Ship under his command for their protection.

Read a letter of this date from the Collector and Comptroller

of the Port of Boston, wrote on Board the Ship Romney. Signed a Letter to Capt. Corner of his Majesty's Ship Romney.

H. H.

Copy of the Deposition of Thos. Kirk, Tidesman in the Port of Boston, dated the 10th June, 1768.

I Thomas Kirk of Boston do declare and say, that being appointed one of the Tidesmen on board the Sloop Liberty, Nathl. Barnard Master from Madeira; I went on board the said vessel the 9th day of May last in the afternoon, and about 9 o'clock in the Evening Capt. Marshall came on board the same vessel and made several proposals to me to persuade me to consent to the hoisting out several Casks of Wine that Night before the Vessel was entered, to all which I peremptorily refused; upon which Capt. Marshall took hold of me, and with the assistance of five or six other persons unknown to this Declarant, they forcibly hove me down the Companion into the Cabin, and nailed the Cover down; I then broke through a door into the Steerage, and was endeavouring to get upon Deck that way, but was forcibly pushed back again into the Steerage, and the Companion Doors of the Steerage also fastened, and was there confined about Three hours, and during that time I heard a noise as of many people upon Deck at work, a hoisting out of goods, as I distinctly heard the noise of the Tackles; when that noise ceased, Capt. Marshall came down to me in the Cabin and threatened that if I made any discovery of what had passed there that night, my life would be in danger and my property destroyed; the said Capt. Marshall then went away, and let me at liberty; and I was so much intimidated by the aforesaid threatenings that I was deterred from making an immediate discovery of the aforesaid transactions, and further this Declarant saith not.

(Signed) THOS. KIRK.

Suffolk, ss. Boston, 10th June 1778, the above named Thos. Kirk made oath to the above written affidavit before me.

SAML. PEMBERTON, Just. Peace.

Copy of the Deposition of Joseph Harrison, Esq., Collector of the Customs at Boston, dated June 11, 1768.

Joseph Harrison, Esq., Collector of his Majesty's Customs at Boston, on Oath, declareth, that in the afternoon of the 10th Instant between the hours of six and seven, in consequence of an information of some illicit practices' having been committed on board the Sloop Liberty, Capt. Barnard, lately arrived from Madeira, he went to Mr. Hancock's wharf and made seizure of the said Vessel, which he left in charge of an officer belonging to his Majesty's ship the Romney; that in returning to his dwelling House, he was surrounded and insulted by a numerous Mob in a street about two hundred yards from the said wharf, and was by them pelted with Stones and dirt, that he received several blows with Sticks, and particularly one blow on the breast, which staggered him greatly so that it was with difficulty he kept himself from falling; and the Deponent verily believes, that if a Person had not pointed out to him a turning into another street, whilst the Mob were surrounding a House, that the Deponent's life would have been in very imminent danger. That the Deponent fearing the Mob would grow more outrageous, as they increased in numbers took refuge in a friend's House, where he is now confined to his bed, and where he was informed that his House had been attacked, and the Windows broken, and that a pleasure boat belonging to him had been dragged up from the water side to the Common, and there burnt and destroyed, and further saith not.

(Signed) JOSEPH HARRISON.

Suffolk, ss. Boston, June 11th, 1768, then Joseph Harrison Esq., made Solemn Oath to the truth of the above written, subscribed by him before me.

(Signed) BELCHER NOYES.

Justice O' Peace.

*Copy of the Deposition of Benjamin Hallowell, Esq., Comptroller
of the Customs at Boston.*

Benjn. Hallowell the younger, Comptroller of his Majesty's Customs at Boston, on Oath declareth, that on information of frauds' having been committed on board the Sloop Liberty, Barnard Master, lately arrived from Madeira laying at Hancock's wharf, he went with the Collector in the afternoon of the 10th Instant, between the hours of six and seven o'clock, in order to make seizure of the said sloop, which they effected and delivered into the charge and custody of an officer belonging to his Majesty's ship the Romney. That during the time of the seizure and delivery of said sloop, numbers of People collected together, amongst which were Daniel Malcolm, John Matchet, Capt. Hopkins and others unknown to this Deponent. Malcolm, Matchet and Hopkins said that the before mentioned Sloop should not be taken into Custody and declared they would go on board, and throw the People belonging to the Romney overboard, and made use of every means in their power to interrupt the Officers in the execution of their Duty, —saying, if this work was going forward, it was high time to begin, and these people, with many others, swore revenge upon the King's Officers, holding the Vessel by the Ropes and Sides, untill she was forced from them.

That on returning towards home, this Deponent with the Collector and his son were surrounded by a numerous Mob, who threatened them with many speeches that they would throw them overboard, &c.—and threw Vollies of bricks Stones and Dirt at them, this Deponent received several blows on the head and other parts of the body, in particular one on the right cheek, and another upon the back of his head, of a dangerous nature, whereby he is now confined to his House, and this Deponent verily believes, that if some friendly People had not interposed and rescued him from the fury of the Mob, that he should have been murdered in the Street. That about 8 o'clock

the same evening this Deponent's House was surrounded by a great concourse of People, who broke his windows and endeavoured to force the House and demanded his Person to give satisfaction for the seizure made as before mentioned, and after remaining for about three Quarters of an Hour and finding their searches for him in vain, they dispersed, and further saith not.

(Signed) BENJAMIN HALLOWELL, JUN.

Boston, 11 June 1768, ss. Sworn to the same day, before
EDMUND QUINCEY, Justice of Peace.

Richard Acklow Harrison, Son of Joseph Harrison, Esq., Collector of his Majesty's Customs at Boston, on Oath declar-eth, that being in Company with his Father in the afternoon on the 10th Instant, between the Hours of Six and Seven, when he made seizure of the Sloop Liberty lying at Hancock's Wharf, and returning homewards with him, he the Deponent, was surrounded and insulted by a numerous Mob, who pelted him with Stones and Dirt, and threw large sticks at him; they also threw him down and dragged him by the Hair of his head, and otherwise treated him in a cruel and barbarous manner, whereby he received two wounds, one in his leg and the other in his arm, and put him in imminent danger of his life, and had he not taken refuge in a House by the assistance of some friendly people, the Deponent verily believes that he should have been murdered, in the Street, and further saith not.

(Signed) RICHARD ACKLOW HARRISON.

Suffolk Street, Boston, June 11, 1768. Then Mr. Richard Acklow Harrison made Solemn Oath to the truth of the above written, subscribed by him before me.

(Signed) BELCHER NOYES,

Justice O. Peace.

Copy of the Deposition of Thomas Irving, Esq., Inspector of Imports and Exports.

HONBLE. SIRs:

Considering myself in some respect under your protection, I beg leave to lay before you the following short account of an attack made upon my person last Night. Returning by myself from the end of long wharf in the Evening about Nine O'clock, I was attacked by a considerable number of disorderly People, who after laying violent hands on me, demanded if I belonged to the Man of War? to which I answered I did not, their next question was, whether I belonged to the Board of Commissioners? which I answered in the affirmative, they then began to beat me with Clubs, Sticks, &c., but some of the Ringleaders interposing and assuring me of their protection, I walked pretty quietly up amongst them to that part of the Wharf adjoining King st., where the Mob returning with me, was joined by another of much superior numbers, this Mob, after dragging me from amongst my former friends, seized me by the Hair, Arms, &c., whilst others were beating me upon the head with Clubs, calling out to murder or kill me. In this disagreeable situation two men meanly dressed took compassion upon me and with great difficulty pulling me from amongst the Crowd, got me conveyed through a House into a back yard, and from thence into another House, where I remained till the Mob moved on to some other part of the Town. My sword I have got broke to pieces and received a few slight wounds.

Thus Honble. Sirs, you have the particulars of this affair as nearly as I can recollect; at the same time humbly craving the state of this case may be laid before his Majesty's Ministers, whose protection as a subject and a Servant of the Crown, I flatter myself I am intitled to. I am with the greatest respect, &c.

(Signed)

THOS. IRVING.

Boston, June 11, 1762.

SUFFOLK STREET, JUNE 11th, 1768.

Personally appeared Thomas Irving, Esq., and swore that the above Deposition by him subscribed was the truth.

(Signed) BENJN. HALLOWELL, JUN.

Justice of Peace.

BOSTON, 11th June, 1768.

SIR:

His Excellency directs me to acquaint your Honble. Board, that the Council was just up when he rec'd your letter, but that there was a Committee appointed of Six Gentlemen of the Board, who are in the Commission of the Peace for this County, to assist him in making inquiry into the Disorders of the last Evening, in order to ascertain facts, and that the Governor has appointed Monday Morning Nine O'clock for this Business, at the Council Chamber.

I am, Sir.

Your most obedt' hble servt.

(Signed) ANDREW OLIVER.

Honble. JOHN ROBINSON.

COPY OF A LETTER FROM THE COMMISSIONERS OF THE CUSTOMS,
AT BOSTON, TO CT. CORNER.

SIR:

From the outrageous behaviour of the People in this place last Night towards our Officers, and the present appearance of things, we are persuaded that further violence is intended, and that we ourselves are the Objects: We therefore desire Sir, that

you will order a boat to take us on board his Majesty's Ship under your Command to shelter us from Insult.

We are, &c.,

HENRY HALTON,
WM. BURCH,
CHAS. PAXTON,
JOHN ROBINSON.

11th June, 1768.

COPY OF A LETTER FROM THE HON'BLE COMMISSIONERS OF HIS
MAJESTY'S CUSTOMS TO GOVERNOR BERNARD.

SIR:

As we found by Mr. Secretary Oliver's letter yesterday, that no immediate measures were taken in Council for securing the Peace of the Town, tho' there was the strongest reason to expect further violences, and your Excellency acquainting us, that you could give us no protection, and that Boston was no place of Safety for us, and having received a verbal message from the People by a person of Character to this effect, "That if the Sloop that was seized was brought back to Mr. Hancock's Wharf upon his giving security to answer the prosecution, the town might be kept quiet," which message appearing to us as a menace, we applied to Capt. Corner to take us on board his Majesty's ship under his Command, where we now are, and being this day further informed, that some of the Leaders of the People had persuaded them in an Harangue to desist from further outrage, till Monday Evening when the People are to be left to use their own discretion, if their requisitions are not complied with. We acquaint your Excellency that we cannot consistent with the honour of our Commission act in any business of the Revenue, whilst under such an influence, and think it necessary to provide for our future security, and therefore request your Excellency to give directions that the Commissioners may be received into the Castle, and that they may have

the use of the Accommodations there for themselves, their Families and the Officers of the Board; and that Your Excellency will please to give orders for their protection and security whilst they may remain there.

(Signed)

JOHN ROBINSON.
H. HULTON.
W. BURCH.
C. PAXTON.

To His Excellency GOVERNOR BERNARD.

ON BOARD HIS MAJESTY'S SHIP ROMNEY, 12th June, 1768.

COPY OF A LETTER FROM THE COLLECTOR AND COMPTROLLER OF BOSTON TO THE HON'BLE COMMISSIONERS OF THE CUSTOMS AT BOSTON.

HON'BLE SIRs :

Agreeable to your Honour's direction we laid before the Solicitor Mr. Lisle, Thomas Kirk's Deposition relating to the Sloop Liberty, Capt. Barnard, from Madeira, on which from the facts and circumstances therein related, he gave his opinion, that the said Sloop ought to be seized, in consequence of which and of directions given us by the Chairman of the Hon'ble Board, we immediately proceeded to make seizure of the said Sloop Liberty, then laying at Mr. Hancock's Wharf, which we effected yesterday about 7 o'clock in the afternoon, and delivered her into the hands of the Master of his Majesty's Ship Romney, who now has the charge of her.

We are

Your Honours'

Most Dutiful and most Obed't Servt's,

JOS. HARRISON, Collector.

BENJN. HALLOWELL, Comptroller.

The Hon'ble the Commiss'rs of his Majesty's Customs.

CUSTOM HOUSE, Boston, June 11, 1768.

ROMNEY, 12th June, Sunday, 4 o'clock.

GENT'N:

As chairman I am to desire that you will immediately draw up and deliver to the Secretary or Mr. Reeve a written Representation of the proposals made yesterday for restoring the seizure to Mr. Hancock on his giving security for the value in order to pacify the Town, and also of the stipulations that were entered into last Night by the Principals of the Mob that no further outrage should be committed untill to-morrow Evening, that they might have the Board's answer to the Principals, and you are to express the same in the most full and clear manner. You shall soon hear further from me, on the subject of our conversation last night.

I am &c.,

(Signed)

JOHN ROBINSON.

COPY OF A LETTER FROM THE COLLECTOR AND COMPTROLLER OF
BOSTON TO THE CHAIRMAN, JUNE 12th, 1768.

SIR:

We beg leave to inform you in answer to your Letter, that the Proposal made to us in behalf of Mr. Hancock is, that the Sloop Liberty that has been seized and now under the protection of the Romney Man of War, shall be returned to Mr. Hancock's Wharf and suffered to lie there, 'till the affair is issued in the Court of Admiralty and that he Mr. Hancock, will give security that the said sloop shall be forthcoming and redelivered to us in Case the decree shall be in our favour. The substance of the several informations, we have had respecting the Stipulations in behalf of the Mob is that a design was formed and concerted for a general Insurrection or Assembly

last Night, and in consequence thereof large numbers of people were actually gathered together and regularly formed into Parties, under their respective Leaders in several parts of the Town. That the reason given for this proceeding was to oblige by force those concerned in the seizure, to return the sloop Liberty to the Wharf, from whence she had been taken. As the consequence of that attempt might have been a general outrage or a Pillage of every Person concerned in the Customs, and of those who are accounted their friends and abettors, it has alarmed several Gentlemen of the Town, and induced them to make the proposals above mentioned for returning the sloop to Mr. Hancock's Wharf, and to give time for a negotiation to that purpose it was stipulated with the Principal Leaders and Managers of the Mob, that no further outrages should be committed, but that the People should remain quiet, till Monday Night, which was the longest term that could be obtained of them. It appears evident to us that a plan for an Insurrection of a very dangerous and extensive nature has long been in agitation and now brought nearly to a crisis; and that to put in execution, there was only wanting some step to be taken by the officers of the Customs that might be made a handle of, to inflame the minds of the People, which this seizure has furnished them with. Upon the whole we can only observe that as the powers of Government in this Country are in so weak and enervated a state, and that the Mob by what we can learn [is] determined upon their point, we should consider it as a measure of Policy in the present Dilemma, to take Mr. Hancock's security, and release the Sloop for the preservation of the Officers and tranquillity of the Town, which we have reason to believe would otherwise be greatly endangered. We are sir, with great respect

Your most Obedt. and most hble Servt.

JOS. HARRISON, Collector.

BENJN. HOLLOWELL, Comptroller.

To the Honble. JOHN ROBINSON, Esq.

GENTLEMEN:

In consequence of the Intelligence you have given us, we think it absolutely necessary to direct you to convey all the money in your Custody belonging to the Crown, in the Boat herewith sent you, in order that it may be deposited in the Romney for safe Custody.

(Signed)

JOHN ROBINSON,
HENRY HULTON,
WM. BURCH.

To the Collector and Comptroller, Boston.

ROMNEY, June 13, 1768. Monday, 3 o'clock Morning.

COPY OF A LETTER FROM GOV'R BERNARD TO THE COMMISSIONERS
OF THE CUSTOMS.

COUNCIL CHAMBER, 13th June, 1768, Forenoon.

GENTLEMEN:

Having communicated your letter of the 12th Instant to the Council they observe with concern that you say "that no immediate measures were taken in Council for securing the Peace of the Town, tho' there was the strongest reason to expect further violences," they cannot but apprehend that this sentence if it should pass unnoticed, must tend to charge them with a neglect of their Duty in not advising me to take proper measures for preserving the Peace of the Town, they have therefore desired me to acquaint you that during the setting of the Council on Saturday Morning, so far from their having the strongest reason to expect further violences, there was no reason at all given for such expectation, and there was no apprehension either in the Governor or Council of an immediate

danger of further violences. It was therefore the general opinion that they might take time to ascertain the facts of the Riot on Friday Evening before they proceeded to order the bringing the offenders to justice, or to prevent the like offences for the future. I have this morning informed them of the present apprehension of further violences, and they are now taking the same into consideration.

I am

Gentlemen, &c.

(Signed) FRANCIS BERNARD.

To the hon'ble the Commiss'rs of the Customs.

COPY OF THE COMMISSIONERS' LETTER TO CAPT. CORNER, DATED
ROMNEY, 13th JUNE, 1768.

SIR:

As the officers of the Customs and our Servants in Boston are exposed to the utmost outrages from the violence of the People. We desire you would board his Majesty's Ship under your Command, to such of them as may take the benefit of that protection, and you will please to issue orders for their being received and victualled.

We are, &c.

(Signed)

HENRY HULTON,
J. TEMPLE,
W. BURCH,
CHAS. PAXTON,
JOHN ROBINSON.

To CAPT. CORNER, Commander of his Majesty's Ship the Romney.

COPY OF A LETTER FROM THE COMMISS'RS OF THE CUSTOMS IN
BOSTON TO GOV. BERNARD.

SIR:

When your Excellency met in Council last Saturday, we were in hopes to have heard that effectual measures would have been taken to aid and protect us, and our officers in carrying on the Service of the Revenue and for preserving the Peace of the Town; but were much surprised to find that a Committee was only appointed to ascertain the facts attending the tumult of the preceding Night, and that your Council was not to sit again till this Night.

On Saturday Afternoon finding ourselves utterly insecure in Town, the major part of us were obliged to seek for an Asylum where we now sit as a Board, being persuaded of the danger of attempting to proceed in our Duty in Town.

The disorders of the Town we are sorry to observe, are increasing to such an enormous pitch, as to give it the appearance more of an Insurrection than a Riot, and we find ourselves obliged to apply to your Excellency to grant us such aid and protection, as may enable us and our officers to proceed in our Duty; and that we may be in some degree enabled to judge whether the aid and protection you'll think proper to grant will be adequate to the distresses and embarrassed state of the Service; we must request that you will let us know, what kind of aid and protection we may expect to receive.

(Signed)

HENRY HULTON,
J. TEMPLE,
W. BURCH,
C. PAXTON,
J. ROBINSON.

On board His Majesty's Ship Romney, 13th June, 1768.

JAMAICA PLAIN, June 13th, 1768.

GENTLEMEN:

I am very sorry that you think yourselves so much in danger in Boston, as to make it unsafe for you to reside there. As you judge it necessary to your security to resort to the Castle, I hereby enclose orders to the Capt'n of the Castle to receive you and your Families and the officers of your Board, and to accommodate you there, and to give you all the protection and security in his power.

I am, Gentlemen,

Your most obed't humble serv't,

FRANCIS BERNARD.

To the Hon'ble the Commiss'rs of his Majesty's Customs.

BOSTON, 13th June, 1768.

GENTLEMEN:

In answer to that part of your Letter of this day, where in you desire me to grant you such aid and protection as may enable you and your officers to proceed in your Duty, I can only inform you, that after several hours' deliberation of the necessity of taking some measures to preserve the Peace of the Town, and what those measures should be, the Council have come to a Resolution that as there appears to be no immediate danger of further violence, they are of opinion, that it would be best to refer this matter to the consideration of a Committee of both Houses. I therefore cannot at present let you know what kind of aid and protection you may expect to receive.

I am, Gent'n,

Your most obed't humble serv't,

FRANCIS BERNARD.

To the Hon'ble the Commiss'rs of his Majesty's Customs.

COPY OF A LETTER TO THE COMMISS'RS FROM THE COLLECTOR AND
COMPTROLLER OF BOSTON, DATED ON BOARD THE ROMNEY, 14th
JUNE, 1768.

HON'BLE SIRs:

The Depositions which we laid before your Honours on the 11th Instant, concerning the outrageous manner in which we were attacked and treated on the preceding Evening, after making seizure of the Sloop Liberty belonging to Mr. Hancock, will best describe what happened on that occasion and by our Letter of the 12th, your Honours will have observed the inflamed temper of the People, and the Stipulations that were demanded for a truce untill the Monday, after which period they seemed determined to take their own measures for redress, the event however has manifested that the peace and tranquillity of the Town was not the object they meant to seek after, for no assurance was sent on the part of Mr. Hancock either verbally or in writing, that he would agree to any Stipulations for the redelivery of the Sloop, and we are of opinion, that it was no part of their design to let go this plea for breaking out into open violence. After the ruffian treatment we had experienced on the Friday Evening, merely for executing our Duty, the Stipulation broke through knowing the perverseness of the People, and the temper of the times, our lives threatened and hearing that even your Honors had been obliged to seek refuge on board his Majesty's ship in the Harbour; our own safety became a consideration of a very serious nature. The Collector has had an intimation, that he would be laid hold of by way of reprisal, and the inveteracy against the Comptroller is so general and confirmed, that they have both been obliged to leave the Town, and seek for an Asylum from the fury of a distracted and enraged multitude. The business of the Collector is left in charge of his Deputy, Mr. Sheaffe, and the Comptroller's with his Clerk, both capable of duly executing their

respective Offices, so long as any officer belonging to the Customs shall be suffered to remain in this place, but it is with deep concern that we acquaint your Honours of what we hear repeatedly from all quarters, which is that a general spirit of Insurrection prevails, not only in the Town, but throughout the whole Province; and when we reflect on what has passed before, we fear it has too much the air of Truth.

We are, &c.

(Signed)

JOSEPH HARRISON,
BENJ'N HALLOWELL.

COPY OF A LETTER FROM THE HON'BLE COMMISS'RS OF THE CUSTOMS AT BOSTON TO COMMODORE HOOD.

SIR:

Finding it utterly impossible to carry on the business of the Revenue in the Town of Boston from the outrageous behaviour of the People, who grossly abused and wounded the Collector and Comptroller, and other officers in the execution of their Duty, on the 10 Instant, and still continue to threaten their and our lives, we took shelter on board his majesty's ship Romney, and desired Capt. Corner to put us on shore at Castle William, where we now are, and at our request Capt. Corner will continue near to the Castle for our protection.

The ferment amongst the People has greatly increased since the 10 Instant, and we are persuaded that their Leaders will urge them to the most violent measures even to open revolt; for one of their Demagogues in a Town Meeting yesterday, said, if they were called on to defend their Liberties and Privileges, he hoped and believed they would one and all resist, even unto blood.

What steps the Governor and his Council may take, we can-

not tell; but having applied to them we have not rec'd any assurances of protection and we are persuaded the Gov'r will not apply for Troops, without the advice of his Council, which measure we do not imagine they will recommend; and we now wish Sir, to acquaint you of the very alarming state of Things in Boston, and to desire you will give us such further protection as you may be able to afford us, in the present Exigency.

We are, &c.

(Signed)

HENRY HULTON,
J. TEMPLE,
WM. BURCH,
CHAS. PAXTON,
JOHN ROBINSON.

SAML. HOOD, Esq.

CASTLE WILLIAM, BOSTON HARBOUR, 15th June, 1768.

COPY OF A LETTER FROM THE COMMISS'RS OF CUSTOMS AT BOSTON
TO HIS EXCELLENCY GENERAL GAGE AT NEW YORK AND TO
COLONEL DALRYMPLE AT HALIFAX.

SIR:

Finding it utterly impossible to carry on the business of the Revenue in the Town of Boston from the outrageous behaviour of the People who grossly abused and wounded the Collector and Comptroller and other officers in the execution of their Duty on the 10 Instant and still continue to threaten their and our lives, we took shelter on board his majesty's ship Romney and desired Capt. Corner to put us on Shore at Castle William where we now are, and Capt. Corner at our request will continue near to the Castle for our protection. The ferment among the People has greatly increased since the 10 Instant, and we are persuaded that their Leaders will urge them to the

most violent measures, even to an open revolt, for one of their Demagogues in a Town Meeting yesterday, said if they were called on to defend their liberties and Priviledges, he hoped and believed they would one and all resist, even unto blood. What steps the Governor and his Council may take, we cannot tell, but having applied to them, we have received no assurance of protection; and we are persuaded the Governor will not apply for Troops, without the advice of his Council which measure we do not imagine they will recommend, and we now write Sir to acquaint your Excellency of the very alarming state of things at Boston, and leave it to your judgment to act as you shall think proper, for the honour of the Crown and protection of its Servants here in the present exigency.

Sent to his Excellency General Gage at New York and to Colonel Dalrymple at Halifax.

CASTLE WILLIAM, BOSTON HARBOUR, 15 June, 1768.

Boston, 14th June, 1768, 6 o'clock P. M.

HON'BLE GENTLEMEN:

At 3 o'clock this afternoon there was a very numerous meeting of the Inhabitants of the Town of Boston at Faneuil Hall when James Otis, Esq. was chosen Moderator, but before he came to the Hall, a motion was made to exclude the Tide Waiters from being present, several of them being then in the meeting, but 'twas objected to as having no right to such a proceeding, and that it would be best, every one should hear what was to be offered, when the Moderator came, he was ushered into the Hall by an almost universal clap of hands; by this time the Hall being quite full and a great number being outside, the meeting was adjourned from the Hall to Doctor Sewal's Meeting House, as being much larger for that purpose; the doors of the Meeting House were soon opened

and the People crowded in, when silence being called, a motion was made that a paper in the Hands of one of the Selectmen might be read, which was a Petition of the Inhabitants of the Town of Boston to his Excellency Governor Bernard, in which was represented the difficulties and burthens the Town labours under, in particular with regard to his Majesty's Ship Romney, now in our Harbour, and praying his Excellency would cause the said ship to be removed: and a Committee of 21 Persons was chosen to wait on his Excellency the Governor, immediately at his seat at Roxbury, with the aforesaid Petition, and the said Committee are gone accordingly. In the said Petition complaint was also made of the unlimited power of the Board of Commissioners and other grievances, notwithstanding little else was said about the Board of Commiss'rs or the Riot that happened last Friday Evening. A motion was then made, that the meeting be adjourned till to-morrow afternoon 4 o'clock, which was agreed to by a large majority, the Moderator first making a speech to the Inhabitants, strongly recommending peace and good order, and the grievance the People labour under might in time be removed, if not, and we were called on to defend our liberties and priviledges, he hoped and believed we should one and all resist even unto Blood; but at the same time prayed Almighty God it might never so happen. After the meeting People's minds seemed somewhat easy. All inaccuracies we hope will be overlooked, and we shall take due care to inform you Hon'ble Gentlemen of everything in our power conducive to his Majesty's Service, which it ever has been, and we humbly beg leave to say ever shall be our sincere wish at least is so to do.

G—— who was on board of his Majesty's Ship Romney in the forenoon.

COPY OF A LETTER FROM COMMODORE HOOD TO THE HONORABLE
COMMISSIONERS OF HIS MAJESTY'S CUSTOMS AT BOSTON.

GENTLEMEN:

I have received your two letters of the 15th and 18th, and am very sorry that affairs at Boston wear so unsatisfactory an aspect. I have ordered the Beaver to return immediately, as well as the Saint Lawrence Schooner, and if you think further naval forces essentially necessary for carrying on the King's Business, I shall be happy in sending it to the utmost of my power on the first application. At present I have only a forty gun ship, wholly unrigged and under repairs, but am in daily expectation of three or four.

I am, &c.

(Signed)

SAM. HOOD.

Commissioners of Customs, Boston.

COPY OF A LETTER FROM COLONEL DALRYMPLE TO THE HON'BLE
THE COMMISSIONERS OF THE CUSTOMS AT HALIFAX, JUNE 23, 1768.

The immediate return of his majesty's ship Beaver only allows me to acknowledge the honor of the letter from your hon'ble Board, dated June 15th, as well as the receipt of some other papers, occasioned by the late outrageous proceedings at Boston. My feelings as a man joined with those of a servant of the crown, are deeply affected on this occasion, and I am very unhappy at not being able to give you instant and effectual relief, but the Board may rely entirely on my performing the part that my situation enables me to do, which is the hold-

ing ready, at a minute's warning, the whole of the Troops under my command, to act in obedience to any *order* or in compliance with any *Requisition* given or signified to me by Superiors, and I trust that should there be unhappily occasion, the few here is more than sufficient to compel all those who shall dare to resist lawful authority, to act in a manner more becoming good Subjects.

I shall at all times esteem it honor to prove myself,

Gentlemen, your most humble and

most obedient servant,

(Signed) W. DALRYMPLE.

A true Copy.

In the absence of the Clerk of the papers.

JNO. SPEED.

COPY OF A LETTER FROM GENERAL GAGE TO THE COMMISSIONER
OF THE CUSTOMS AT BOSTON, DATED NEW YORK, JUNE 21, 1768.

GENTLEMEN:

I am seriously concerned to learn by your letter of the 15th instant, delivered to me by Mr. Elliot, Collector of this Port, that the turbulent state of affairs in the City of Boston has laid you under the necessity to take shelter at Castle William, and to have occasion for the Aid of his Majesty's Forces. My Inclination would lead me to order Troops to march immediately for your protection, but you must be sensible that it would be highly improper for me to order Troops into a Province for the purpose of quelling Riots, unless application should be first made to that end by the civil power. I have yet heard nothing on the subject from Governor Bernard, who must be best

acquainted with the situation of affairs in his province and the properest judge how far such a measure would be expedient and necessary.

The moment he applys to me for the aid of the King's Forces to support His Majesty's Government, on this or any other occasion, they shall move to his assistance with as much despatch, as it shall be possible for them to do, and as many of them as he can in reason demand. I have the honor to be with

Great Regard,

Gentlemen, &c.

(Signed)

THOMAS GAGE.

Commissioners of His Majesty's Customs, North America.

LETTER FROM THOMAS CUSHING TO DENNIS DE BERDT.

PROVINCE OF THE MASSACHUSETTS BAY,

June 30, 1768.

SIR:

The House of Representatives of the 21 of June last received a message from his Excellency, Governor Bernard, wherein a Requisition was made by his Majesty's order that we should immediately rescind the Resolution of the last House to transmit circular Letters to the other British Colonies on the Continent of North America, barely intimating a Desire that they would join in similar dutiful and loyal Petition to our most gracious Sovereign, for the redress of the grievances occasioned by Sundry Acts of Parliament calculated for the sole purpose of raising a Revenue in America. The House have maturely considered this Message, and I now enclose you by their order, Copies of their proceedings thereupon as also a letter the House

have wrote to Lord Hillsborough upon this subject, which the House desire you would deliver to that noble Personage. By order of the House, I also enclose you a Copy of their letter to Lord Hillsborough, which you may make such improvement of as you may think will be for the advantage of the Province.

In the name and behalf of the House of Representatives I Am with respect, Your most humble Servt.

THOMAS CUSHING, Speaker.

To DENNYS DE BERDT, Esq.

COPY OF A LETTER FROM THE COMMISSIONERS OF THE CUSTOMS
AT BOSTON TO THE LORDS COMMISSIONERS OF HIS MAJESTY'S
TREASURY.

MAY it please your Lordships:

In our memorial of the 16th June, we represented the situation we were then in and laid before your Lordships sundry papers relative thereto, and our proceedings thereon, and we now transmit copies of Letters we received from General Gage at New York, and Commodore Hood and Colonel Dalrymple in answer to our Letters, copies of which were inclosed in the fore mentioned papers.

His Majesty's Ship Romney and Sloops the Beaver and Senegal, with two schooners, are now in this harbor and this protection afforded us by Commodore Hood, has been the most seasonable, as without them we should not have considered our selves in safety, nor his Majesty's Castle secured from falling into the hands of the people.

The inconveniences we are exposed to we bear with cheerfulness and beg leave to assure your Lordships that no difficulties shall abate our zeal in the service, but it is impossible for us to set foot in Boston, untill there are two or three

Regiments in the town to restore and support Government, and further represent that the Castle being so situated on a small Island in the Bay, about a League from the Town will render our situation any longer than the Summer months insupportable. We therefore pray your Lordships that orders may be given for our residence and protection before the Winter which is humbly submitted.

JOHN ROBINSON,
HENRY HULTON,
WILL. BURCH,
CHAS. PAXTON.

CASTLE WILLIAM, BOSTON HARBOR, 11 July, 1768.

LETTER FROM GOV. BERNARD TO [THE EARL OF HILLSBOROUGH.]

Boston, July 20th, 1768.

MY LORD:

Since the first beginning of the Troubles of this Town to the present Time I have frequently represented to your Lordship's Office the Impracticability of my applying for Troops either for the Support of the Authority of the Government or the power of the Magistracy, both of which have been continually Insulted and made contemptible for near three years past. The great difficulty which has attended this measure has been that I could by no means get the Council to advise or concur in it, and neither by the due consideration of my instructions and the Rule of other Governments, nor by the Terms of this Government where the Governor is more connected with and restrained by the Council than in the Governments which are merely Royal, did I think myself authorized to introduce Troops into a Town not used to them upon my own opinion only and contrary to that of the Council whom I am directed to consult and advise

with in all matters of Importance, and I have never imagined that it would be expected of me that I should separate myself from the Council upon this occasion and make myself solely answerable for the consequence of the Introducing them, especially as I have always understood that the intention of the Administration was that all appearances of forcible and compulsive measures should be avoided, and as I have constantly sent home accounts of all occurrences which could influence this question, I have concluded that a change of measures must originate at Westminster, and that the first orders for quartering Troops at Boston would come from thence.

In my Letter to the Earl of Shelburne, No. 8, of the year past, I treat this subject particularly as it relates to the Commissioners of the Customs. In my Letter to your Lordship No. 6, which gives an account of the Riot of June 10th and the Commissioners leaving the Town, I inform of what passed between me and the Council concerning sending for Troops; from which it will appear to what little purpose it is to put a question upon the Subject to the Council, however this business is now brought to such a crisis, that I could no longer avoid putting such question in form. It has become necessary to my own Justification and acquitting me of the Consequences, if any bad should arise of this Town's remaining destitute of Troops, and to give an account of this Transaction is the business of this letter. On the 2d of July I received a Letter from Gen'l Gage with two Packets for Col. Dalrymple at Halifax inclosed, informing me that he had received—————

—————[A line destroyed]—————

order to the Commanding Officer at Halifax for Troops, if they were wanted at Boston. I sent both Letters away and wrote to Gen'l Gage setting forth the reasons why I could not apply for Troops, but that I had sent the Letters forward, for tho' I thought it improper for me to require Troops, it was full as improper for me to prevent their coming, if they were otherwise ordered. In answer to this, the Gen'l has sent me a Copy

of the Letter to Col. Dalrymple, by which I am informed that the orders to him are only to collect the Troops together, but not to embark them 'till they are required by me. I have thereupon wrote to the Genl. that if the Troops are not to move from Halifax 'till I require them, they are like to continue there, for I cannot think it proper for me to make such a requisition without the advice of the Council, and there was no probability of my obtaining such advice; however, I would lay it before the Council. I have been less explicit on these Letters, as I shall inclose copies of them.

On Saturday July 23d, I held a Council, when having in part opened the matter I had for their consideration, they advised that in regard to the importance of the Business I would order all the Council who lived within a day's Journey of Boston to be summoned to meet on the Wednesday—————

—————Line lost—————

till then. On Wednesday the 27th, fourteen met and we proceeded to business that day and Friday following. As the Minutes of the Council are extended more than ordinarily, they will be sufficient to explain what was done. There was some altercation that was scarce worth remembering, but I am obliged to take notice, that I observed with concern that the popular spirit upon this occasion showed itself higher in the Council than I had known it heretofore, and my endeavouring to moderate it subjected me to treatment different from what I have been used of late to receive from the Board. But these considerations are more proper for another time and place.

I shall inform Genl. Gage of the Result of this Council by which all expectation of Troops coming to Boston untill orders arrive from England is over; perhaps if no great mischief is done in the mean time, it may be much better for them to be ordered from England than to be brought here by the order or Requisition of any one in America, as they will be introduced in a manner much more authoritative. For my own part, I have acted here in for the best according to my Judgment.

I could not require Troops against the opinion of the Council without making myself an object of popular resentment, which would probably, if it had produced no worse effect———

———line lost———

Now, my Lord, as I have no leave of absence to justify my departure, I must have stayed till I was drove out by force or apparent danger, and if such an event had happened, how could I have justified myself in doing an Act with a doubt of the regularity of it, and a foresight of its ill consequences, which should produce such a convulsion in the State as obliging a Governor to quit his post. I am with great respect, my Lord,

Your Lordship's most Obedient and most

humble Servant,

FRA. BERNARD.

P. S. Your Lordship will observe that in the answer of the Council there is nothing proposed or provided for the return of the Commissioners to Boston and their protection in the execution of their office there. It seemed to be the general opinion that it was quite impracticable for them to return and be protected in the execution of their office. One Gentleman said that he was convinced that they never would return to Boston and resume their functions, and gave for reason, that Great Britain had too much employment at home to keep her unruly people in order and balancing the Parties———

———line lost———

which harassed the Government and weakened the Administration, to think of meddling with America or endeavouring to enforce the execution of an Act of Parliament which the Americans had declared against.

A true Copy.

In the absence of the Clerk of the Papers.

JNO. SPEED.

LETTER FROM GOV. BERNARD TO THE EARL OF HILLSBOROUGH.

BOSTON, 9th August, 1768.

I think it proper to inform your Lordship that for above a week past, there has been agitated among the merchants of this town, a subscription against importing English Goods. It was begun by two principal merchants who have all along abetted the purposes of the Faction; at first they met with very little success, but persevering in it and ways and means being used to push it on, it was last night reported at their third meeting that there was a sufficient number of subscribers to carry the matter into execution; that there were 40 who would non-subscribe, but would observe the restriction, and 35 who would neither subscribe nor observe. The latter I suppose are to be brought to reason by mob law, otherwise 35 Importers only will defeat the Scheme.

There was the like subscription set about at the beginning of March last, of which I gave an account in my letter to my Lord Shelburne, No. 9. That was defeated by the merchants of Philadelphia refusing to concur in the measure and the merchants of New York thereupon declining it also, upon which those of Boston were obliged to give it up. But now I suppose they assure themselves of better success at those places, and expect to alarm the Parliament. But, my Lord, the futility of this threat will be exposed by an enquiry into the quantity of goods which have been lately ordered from Great Britain, which has exceeded and anticipated the usual quantities and times in order to provide for an abstinence from Importation for a year. This is professed by some and is undoubtedly true of others who are too attentive to their own Interest to desist from Importation without taking care not to have occasion for it. But the non-subscribers, among which are some of the principal Importers of the Town, will effectually defeat this

scheme, if they are sufficiently secured from Mobs which it is supposed they and all others will be before the first of January next.

I am, with great respect,
 My Lord,
 Your Lordship's
 Most obedient and
 most humble servant,
 FRA. BERNARD.

The Right Hon'ble The Earle of Hillsborough.
 See my letter, No. 9, before mentioned per last but one.

A true Copy.

In the absence of the Clerk of the papers.

JNO. SPEED.

LETTER FROM THOMAS BRADSHAW TO ——— ———

TREASURY CHAMBER, 31 Aug. 1768.

SIR:

Having laid before my Lords Comm'rs of his Majesty's Treasury a mem'l of the Com'rs of the Customs in America, dated Castle William in Boston Harbour, 11 July, 1768, inclosing Copies of letters, which they have received in answer to their application for the aid of his majesty's Forces, I am commanded by their Lordships to transmit Copies of the said papers to you for the information of the Earl of Hillsborough and to desire you will move his Lordship to lay the same before his Majesty, that his Majesty may be informed of the present situation of the officers of Revenue at Boston, and of the apprehensions they entertain that his Majesty's Castle at the mouth of Boston Harbour, where they are at present forced to reside, was at the time this letter came away no other ways secured from falling into the hands of the people, but by the

King's ships which lie at present in the Harbour, and also that his Majesty may be informed of the answers they have received from General Gage, Commodore Hood, and Colonel Dalrymple to the requisition made to them for Troops and ships to be sent to Boston for the protection of the said Commissioners.

I am, Sir, your most obedient humble servant,

THOMAS BRADSHAW.

A true Copy.

In the absence of the Clerk of the papers.

JNO. SPEED.

LETTER FROM GOVERNOR BERNARD TO [THE EARL OF HILLSBOROUGH.]

BOSTON, Sept. 16, 1768.

MY LORD:

In the Boston Gazette of the 5th Inst. appeared a paper containing a system of politics exceeding all former exceedings; some took it for the casual ravings of some occasional Enthusiast, but I persuaded myself that it came out of the *Cabinet of the Faction*, and was preparatory to some actual operations against the Government. In this persuasion I considered that if the Troops from Halifax were to come here of a sudden there would be no avoiding an insurrection, which would at least fall upon the Crown Officers if it did not amount to an opposition to the Troops. I therefore thought it best, that the expectation of the Troops should be gradually communicated, that the *Heads* of the *Faction* might have time to consider well what they were about, and prudent men opportunity to interpose their advice. I therefore took an occasion to mention to one of the Council in the way of discourse, that I had private advice that Troops were ordered hither, but I had no public orders about it myself. This was on the 3rd Inst., and before night it was thoroughly circulated all over the Town.

The Faction immediately took the alarm, and at first nothing was to be heard among them but declarations that the Troops should not enter the Town, but nothing was done in public, but appointing a town meeting on Monday following; in private, there were as I am told, two meetings, the one a large one on Friday night (the 9th) when it was the general opinion that they should raise the Country and oppose the Troops, the other meeting as I am informed was very small and private on Saturday night at the house of one of the Chiefs, and there it was resolved to surprise and take the Castle on the Monday night following. I dont relate these accounts as certain facts, but only as reported and believed. On Saturday night an empty Turpentine barrel was put upon the Pole of the Beacon (which has been lately erected anew in a great hurry by the select men without consulting me) this gave a great alarm the next day and the Council sent to me on Sunday afternoon to desire I would order a Council which I held at a Gentleman's house half-way between me and Boston, here it was debated what means should be used to take the barrel down, and it was resolved that the select men should be desired to take it down, but they would not do it.

On the Monday at the Hall *the Faction* appeared *surrounded with all its Forces*; there were very few of the principle Gentlemen there, such as were, appeared only as curious, and perhaps anxious spectators. The meeting was opened with speeches much to the same purpose as the papers enclosed and first mentioned. Nothing was then resolved, but to put the Question to me, which your Lordship will see in the printed account, and to appoint a general Comm'ee to consider and report. The next day the reports were made upon which followed a set of speeches by the Chiefs of the Faction and no one else, which followed one another in such order and method, that it appeared as if they were acting a Play, everything both as to matter and order seeming to have been preconcerted beforehand. As they have printed their own account to circulate it round the

province, I shall only add to it an account of some of these speeches, from the tenor of which the general Intention of the whole transaction will be fully explained.

I should have mentioned before, that in the middle of the Hall where they met, were deposited in the Chest the town arms, amounting as it was said to about 400, these as I have before informed your Lordship about four or five months ago, were taken out of the Lumber Room where they had lain for some years past to be cleaned, and have since been laid upon the floor of the Town Hall to remind the people of the use of them. These arms were often the subject of discourse and were of singular use to the orators in the way of action, as the subject of their debates turned upon Arming the Town and Country against *their Enemies*, the probability of a French war was mentioned, as a pretence to arming the Town, and a cover for the frequent use of the word Enemy. It was said the *Enemy* would probably be here before the Convention met, that is within ten days. It was moved that the Arms should now be delivered out to oppose the *Enemy*. This was objected to, for that they might fall into hands that would not use them. But this flimsy veil was not always kept on, it was often said that they had a right to oppose with Arms military Force which was sent to oblige them to submit to unconstitutional Laws, and when it was required to be more explicit, the chairman said, that they understood one another very well, and pointing with his hand, said: there are the Arms, when an attempt is made against your Liberties they will be delivered, our declaration wants no explanation—and indeed it does not.

When first it was moved that the Governor be desired to call an Assembly, it was said to be to provide for the safety of the Province and put it in a posture of defence. It was thereupon observed, that that would make Troops necessary, and it was immediately struck out. One cry'd out that they wanted a head. This was overruled, for indeed it was too premature. Another, an old man, protested against everything but rising

immediately and taking all power into their own Hands. One man, very profligate and abandoned, argued for massacring their Enemies, his argument was short. Liberty is as precious as life, if man attempts to take my life, I have a right to take his.

Ergo—If a man attempts to take away my liberty I have a right to take his life.

He also argued that when a people's Liberties were threatened they were in a state of War, and had a right to defend themselves, and he carried these arguments so far, that his own party were obliged to silence him.

I will now make one observation on one passage in the printed declaration, to show to what length is capable of being carried a pretension to an exemption from Authority of Great Britain. It has heretofore been argued that the Parliament has no authority over the American Colonists because they are not represented in the Parliament of G. Britain and in consequence that the provincial Assemblies are to all intents and purposes, the Parliament in regard to the subjects of the respective Colonies.

This has been heretofore apply'd only to the raising and disposing of public money, and now observe a large stride to a very different business, because it is declared by an Act of the first of Wm. and Mary that no standing Army shall be kept upon the Kingdom in time of Peace but by consent of Parliament, therefore the King shall not keep any part of the standing Army raised and supported by the Parliament in any American Province without the consent of the Provincial Assemblies, and this exemption is pleaded in virtue of a charter granted by King William, &c., without the Authority of Parliament and consequently according to true revolutionary principles not to be pleaded against the Parliament, as according to such principles the King has no power by his own Act only to exempt any subjects of Great Britain from the Authority of Parliament. I herewith enclose a blank copy of the precept

which the selectmen of Boston have used in calling together the Convention. Surely so daring an assumption of the Royal Authority was never practised by any city or town in the British Dominions, even in the times of greatest disorder, not even by the City of London when the great Rebellion was at the highest, and the confusion arising from thence most urgent for some extraordinary measure, how large this meeting will be, and what they will do, at present can only be guessed at as they have hitherto pursued the dictates of the paper in the Boston Gazette, it is supposed that they will go through with them and exclude the Crown Officers, and resume *the first original Charter*, which has no ingredient of Royalty in it. It certainly will be so if it is not prevented by power from without, and I much doubt whether the force already ordered by General Gage, viz: 2 Regiments will be sufficient. For my own part, if I had any place of protection to resort to I would publish a proclamation against the Assembly, the Convention, but I dare not take so spirited a step without first securing my retreat. It is now a great question whether the Troops will be suffered to enter the Town or not, the general opinion is in the affirmative. The design against the Castle is now so well known that it is probable that the very names of the people who were enrolled for that service to the number of 500, or the Chief of them will be discovered. The Chiefs of the party now own, that it will be impossible, for them to hold the Castle or the Town, tho' they should seize and garrison them for the present. They therefore, at least some of them, seem content that the Troops shall stay here, 'till the Parliament shall determine upon their remonstrances, as they say the Troops cannot remain here for two years if the Parliament refuse to do them justice.

I am, &c.,

FRANCIS. BERNARD.

A true Copy.

In the absence of the Clerk of the Papers

JNO. SPEED.

LETTER FROM THOMAS CUSHING TO STEPHEN SAYRE.*

BOSTON, October 7th, 1768.

SIR:

Since my last Eleven men of war have arrived from Halifax with the 14th and 29th Regiments they were ordered to Boston to Insist upon being Quartered in the body of the Town, but as Barracks are provided by the Government at the Castle for the accommodation of the King's Troops, the Council say they are not empowered by the Act to Quarter them anywhere else, and accordingly refuse to do it, so that the Troops at present are at a loss for Quarters. I wish they may be fixed at the Castle till orders are sent for their removal, which I hope will be as soon as the ministry are convinced how Egregiously we have been misrepresented. The men of War and Troops approached the Town with the same precaution as they would a city they were about to besiege. They were landed in battle array expecting from the representations that had been made to them to meet with a violent opposition, however they were agreeably disappointed, not the least resistance being made to their landing nor the least incivility offered them. It is true the People thro' this and the neighbouring Colonies have been greatly alarmed and filled with resentment, at being threatened with Troops upon so trifling occasions as what happened on the 18th March last, but the late Convention has been attended with happy consequences, the Design of it was to promote peace and good order, and their meeting has effectually answered that good design; by their seasonable and good advice,

* Stephen Sayre, a native of Virginia, resided for several years in England. He was at one time sheriff of London. After a life of many vicissitudes, he died in this country, early in the present century. Point Breeze, above Bordentown, lately the property of Joseph Buonaparte, belonged to Mrs. Sayre, and was the seat of hospitality during Mr. Sayre's occupancy of it.

they prevented much disorder and confusion however, tho' the affection of this People to the Mother Country prevented their making any opposition to the landing of the Troops. Yet their being sent upon such an Errand and upon such an occasion against a people so distinguished for their Loyalty to the King and their firm attachment to the parent state, has very grievously affected them and made such a deep wound in their breast as I fear will never be cured, they cannot reflect upon such treatment with any patience, however it may possibly be attended with happy effects, for since the arrival of these Troops the People in general seemed to be determined to deny themselves almost any thing rather than in any measure contribute to the raising of the designed Revenue; a great number of Families have left off the use of Tea and others are daily following their example. The Inhabitants of the Town of Charlestown have unanimously left drinking of it, and if Boston and Charlestown give the lead I believe they will be followed thro' the Country, and while writing I am informed that the Inhabitants of some other Towns are coming in the same resolution. I now send you a brief state of the merits and services of this Province, their Exertions and expenses in the common cause, drawn up in the year 1765, and sent to the Agent of this Province, which will enable you to make an estimate of the expences this Province was at in the late wars. In the year 1763 or 1764 there was another account drawn up relative to this matter which I believe was precise and particular. It was sent to Mr. Agent Mauduit; upon applying to him or Mr. Jackson, his successor, I think you may obtain a copy of it.

The Council have refused to Quarter the Troops in the body of the Town till the barracks at the Castle are filled, in thus doing they strictly adhere to the Act of Parliament. The Colonel is therefore hiring Houses and procuring Barracks and Utensils upon the King's Account; however it is imagined he is doing that which he cannot justify, and is taking upon him-

self to Quarter Soldiers otherwise than is limited and allowed by Act of Parliament, and he is liable to be cashiered for so doing; however we are so disposed for Peace that I doubt whether any notice will be taken of his conduct by the civil magistrate. We hope we shall be delivered from all these burdens when the Parliament meets and are disposed quietly to wait for their determination, which if the Interest of Great Britain is duly considered must be in our favour.

I am, with respect, Your most humble serv't,

THOMAS CUSHING.

P. S.—I must beg the favour of your furnishing me with all the intelligence you can relative to American affairs.

Boston, Oct. 28, 1768.

SIR:

I have wrote Mr. De Berdt by this conveyance and as this vessel is just upon sailing, must refer you to him for particulars, please to furnish me by every opportunity, with what turns up relative to American affairs.

I conclude, with respect,

Y'r most humble serv't,

THOMAS CUSHING.

MR. SAYRE.

OPINION OF B. JACKSON.

CASE.

D. B. has received a Petition to his majesty from a Convention at Boston, tho' no particular Agent for that Convention.

It was called by a circular Letter from the Selectmen of

Boston to a number of Gentlemen upwards of Seventy from the different parts of the Province and met on the 22 Sept. the number of Towns to which they belong, consists of Ninety Eight and Six Districts.

There are some unguarded expressions in the Circular letter which summoned this Convention.

It is under the consideration of the King's Council whether such a convention is not Treasonable.

The Governor as Representative of the King has called it a notorious violation of his Majesty's Constitutional Authority, tho' the "said Convention utterly disclaimed any authoritative or Governmental Acts."

D. B. has strict orders by a Letter "from the chairman of the said Convention to present the Petition to his majesty in Person as speedily as possible."

Qr. 1st. Whether D. B. would be safe in giving it to the King in Person. "It is not material whether Mr. D. B. would be safe in giving the paper to the King in Person, because I think it impossible so to deliver it, but in case it were so delivered it would be certainly adviseable to acquaint the Sec'y of State with the contents of the Paper previously to the delivery."

Qr. 2nd. Whether the Petitioners would be "particularly benefitted by giving it his majesty in Person."—"This is no question to put to a Counsel."

Qr. 3d. Whether the Petitioners would be more benefitted by giving it to the Sec'y of State for the American Department as the Common Channel of Business, "I think this is the only proper use that can be made of the Paper."

Qr. 4. Whether D. B. would be safe in delivering it to the Secretary of State. "Mr. D. B. will certainly be safe in delivering in a proper manner any paper to the Sec'y of State, let the contents be what they will."

Qr. 5. Whether if the Secretary should refuse to receive it, on seeing D. B. if it would be expedient to leave a copy, signi-

fyng the original was in his hands and at the Secretary's Command. "This is a matter of discretion only in Mr. D. B. should the Sec'y of State refuse to receive the paper, I should think he would refuse the Copy. But I do not conceive the Sec'y of State will refuse any paper that contains Information of the State of a Province in America when decently and properly offered."

R. JACKSON.

18 Nov. 1768.

PETITION OF THE COMMITTEE OF MASSACHUSETTS TO THE KING.
1768.

TO THE KING'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN :

With the warmest sentiments of Loyalty, duty and affection, a number of your Majesty's most faithful subjects in your Province of the Massachusetts Bay convened in Boston as committees at the request of the Inhabitants of the several Towns and Districts to which they belong, in Number Ninety eight Towns and Eight Districts. Far from assuming to themselves, but utterly disclaiming the least pretension to any authoritative or Governmental Acts, and met together with the only intention of exerting themselves, as far as they lawfully might, to promote peace and good order among their fellow subjects in the Province, and humbly to Petition your Majesty or your Representative: beg leave with all humility to approach the Throne and to lay their humble supplications at your Majesty's feet.

Our Ancestors, the first settlers of this Country, having with the Royal consent, which we humbly apprehend involves the consent of the Nation, and at their own expense, migrated from the Mother Kingdom, took possession of this Land, at that time a wilderness, the right whereof they had purchased for a valu-

able consideration of the Council established at Plymouth, to whom it had been granted by Your Majesty's Royal predecessor King James the first.

From the principles of Loyalty to their Sovereign which will ever warm the breast of a true subject, tho' remote, they acknowledged their Allegiance to the English Crown, and your Majesty will allow us with all humility to say that they and their posterity ever to this time, have afforded frequent and signal proofs of their zeal for the honor and service of their Prince and their firm attachment to the Parent Country.

With toil and fatigue, perhaps not to be conceived by their Brethren and fellow subjects at home, and with the constant peril of their lives from a numerous Savage and warlike race of men, they began their settlement and God prospered them.

They obtained a Charter from King Charles the first, wherein his Majesty was pleased to grant to them, their heirs and assigns forever, all the Lands therein described to hold of him and his Royal successors in fee and common soccage; which we humbly conceive is as absolute an Estate as the Subject can hold under the Crown. And in the same Charter were granted to them and their Posterity, all the rights, liberties, privileges and immunities of natural subjects born within the Realm.

This Charter they enjoyed having as we most humbly conceive punctually complied with all the conditions of it 'till in an unhappy time it was vacated. But after the Revolution when King William and Queen Mary of glorious and blessed memory were established on the Throne, in that happy Reign, when to the joy of the Nation and its dependencies, the Crown was settled in your Majesty's illustrious family, the Inhabitants of the Province shared in the Common blessing. Then they were indulged with another Charter; in which their Majesties were pleased for themselves, their heirs and successors, to grant and confirm to them as ample Estate in the Land, or territories, as was granted by the former Charter, together with other the most essential rights and liberties contained therein, the prin-

ciple of which is that which your Majesty's subjects within the Realm have ever held a most sacred right, of being taxed only by representatives of their own free election. Thus blessed with the Rights of Englishmen through the indulgent smiles of Heaven and under the auspicious Government of your Majesty and your Royal predecessors, Your People of this Province have been happy and your Majesty has acquired a numerous increase of loyal Subjects, a large extent of Dominion, and a new and inexhaustible source of Commerce, wealth and Glory.

With great sincerity permit us to assure your Majesty that your Subjects of this Province of which we are a part ever have acknowledged and still continue to acknowledge your Majesty's High Court of Parliament, the Supreme legislative Power of the whole Empire; the superintending authority of which is clearly admitted in all cases that can consist with the fundamental rights of nature and the Constitution to which your Majesty's happy subjects in all parts of your Empire conceive they have a just and equitable claim.

It is with the deepest concern that your humble supplicants would represent to your Majesty that your parliament, the rectitude of whose intention is never to be questioned, has thought proper to pass divers Acts imposing taxes on your Majesty's subjects in America with the sole and express purpose of raising a Revenue. If your Majesty's subjects here shall be deprived of the honor and privilege of voluntarily contributing their aid to your Majesty in supporting your Government and Authority in this Province and defending and securing your Rights and Territories in America, which they have always hitherto done with the utmost cheerfulness; if these Acts of Parliament shall remain in force, and your Majesty's Commons in Great Britain shall continue to exercise the power of granting the property of their fellow subjects in this Province, your People must then regret their unhappy Fate in having only the name left of free subjects.

Under the most sensible impressions of your Majesty's wise and paternal care for the remotest of your faithful subjects, and in full dependence on the Royal declarations in the Charter of this Province, we most humbly beseech your Majesty to take our present unhappy circumstances under your Royal consideration and afford us relief in such a manner as in your Majesty's great wisdom and clemency shall seem meet.

And as in Duty and love bound said Committee shall ever pray.

In the name and in behalf of the said Committee,

THOMAS CUSHING, Chairman.

LETTER FROM RICHARD CARY TO —

CHARLESTOWN, Feb. 7, 1769.

DEAR SIR:

Your last obliging favour of the 20th October is alarming, in regard to the Nation as well as the affairs of America; however it's a great satisfaction to see our Friends exerting themselves in our Favour, which gives encouragement under the gloomy prospect.

You shall not expect to hear any extraordinary matters from us, as we have no Assembly; every thing is still and quiet, nothing exceptionable but a Liberty taken in the Prints, which some of our great Folks don't like to see; publick conduct will be animadverted upon with Freedom—Governor Bernard must submit to it. Lord Hillsborough is often tack't with him, his high strain'd letters has caused such a jealousy in the Provinces, and raised such fearful apprehensions, that like a chain it has link't them most strongly together, which I hope will not soon be separated. Notwithstanding I'm for having the power and Authority of Great Britain kept up in America, too great a laxness in Government is often attended with fatal consequences; we are waiting to see what the Parliament will do with us, it

would be happy to have things on their old footing again, to have Trade carry'd on to mutual advantage with our Mother Country, and to keep up a real regard and affection for one another.

Mr. Cushing tells me he has wrote particularly to Mr. De Berdt which lately went, I refer you to it, he and Mr. Otis, Adams &c., dined with me a few days ago. The affair of the Agency shall engage my attention. I hear there are schemes and plans going forward, I hope none will succeed, against our Aged Friend, whose labors seems to be more abundant at this important Crisis, I rejoice to hear his health is continued. As I know you have the welfare of Jersey College much at heart it will give you a pleasure to hear its interest is rising, upwards of £400 sterling have been subscribed this way, which has had a happy tendency by stirring them up to support the same good cause to the southward, a cause which is the greatest support of Religious and Civil Liberty, in those provinces. The dissenting Congregation at New York have given £700—Yr Money, and the late Mr. Tenant's Church £1000—Phila. Currency. It still meets with encouragement, and gladdens the heart of good Dr. Witherspoon. I hope the Smiles of a Gracious Providence will be continued; these accounts I have from Mr. Blair who with his Lady gave us a sociable visit a few days ago.

You was not out in your judgment in imagining numbers of Soldiers after being here would desert; it is so, in fact, such a large settled Country back and the severity with which they have been used leads to it, sending such a body of Troops to Boston was stupid, there could be no dependance upon them; in case things should come to an extremity with the inhabitants, the officers would find themselves in a bad situation.

I can't say I like the complexion of our affairs in England, either from the King's Speech, or the Debates in the House at the first sitting of Parliament, the raising a Revenue from America, will be attended with great difficulty, the Provinces

are justly apprehensive of terrible consequences to themselves from it, and will do every thing in a legal way to prevent it.

Not long ago I mentioned the Commissioners and officers were mortified by making out so poorly with Balls and Concerts: now it's mortifying to many of the Inhabitants that they have obtained their wishes, and that such numbers of Lady's attend. It's a bad thing for Boston to have so many gay idle people in it.

A Copy of your letter to Lord Hillsborough, Inclosing the Petition to him was sent Governor Bernard which was communicated to the Council, his Lordship complains of being ill used, and his conduct faulted for not presenting a petition which was kept from him, for above two months after its arrival. I took out of the office last week a packet directed for me Inclosing the American Gazette No. 2, but it does not say from whom, Mr. Otis now has it, publishing such papers in England must greatly serve our American Cause.

I affectionately bid you farewell and am very sincerely

Yours,

RICHARD CARY.

PROCEEDINGS OF THE SELECTMEN OF BOSTON.

BOSTON.

At a meeting of the Selectmen, Feb. 16, 1769.

Present:—Joshua Henshaw, Joseph Parkson, John Ruddock, John Hancock, John Rowe, Sam. Pemberton, Esq., M. Henderson Inches.

Voted unanimously, That the following Address be presented to His Excellency Francis Bernard, Esq.

MAY IT PLEASE YOUR EXCELLENCY,

At a time when artful and mischievous men have so far prevailed as to foment and spread Divisions in the British Empire:

When mutual confidence, which had so long subsisted, with mutual advantage between the subjects in Britain and America, is in a great measure broken: When means are at length found even to excite the Resentment of the Mother State, against Her Colonies; and they are publicly charged with being in a state of Disobedience to Law and ready to resist the Constitutional Authority of the nation: The selectmen of this Metropolis cannot be the unconcerned and silent spectators of the Calamities which in consequence thereof have already fallen upon Its inhabitants.

To behold this Town surrounded with Ships of War and military Troops even in a time of Peace, quartered in its very bowels, exercising a discipline with all the severity which is used in a Garrison and in a state of actual War, is truly alarming to a free people. And what still heightens the misfortune: That our gracious Sovereign and his ministers have formed such an idea of the present state of the Town, as to induce a necessity of this naval and military Force, for the aid of the Civil Magistrates in the Preservation of its peace and good order.

Your Excellency can witness for the Town that no such aid is necessary: Loyalty to the Sovereign and an inflexible zeal for the support of His Majesty's Authority and the happy Constitution is its just character; and we may appeal to the impartial world that peace and order were better maintained in the Town before it was even rumored that His Majesty's Troops were to be quartered among us than they have been since. Such a measure then we are persuaded would never have been ordered by the wisdom of the British Administration, had not the necessity of it been drawn from the Representation of some of his Majesty's Servants in this Province.

Your Excellency will allow us to express our opinion, that the public transactions of the town and the behaviour of some of its Individual Inhabitants have been greatly misapprehended by his Majesty's Ministers.

We therefore in duty to the Town, we have the Honour to serve respectfully wait on your Excellency; and pray that you would be pleased to communicate to us such representations of *facts only* as you have judged proper to make since the Government of the last year. And as there is a prevailing Report, that Depositions are and have been taken *ex parte* to the prejudice of the Town and particular persons, may we not assure ourselves that your Excellency will in justice cause to be laid before us such other representations as may have come to your knowledge that the Town, knowing clearly and precisely what has been alledged against it, may have an opportunity of vindicating itself.

The foregoing address was accordingly presented his Excellency by the Selectmen of the Town last Friday morning and on Saturday afternoon his Excellency was pleased to return the following answer:

GENTLEMEN:

The propriety of your addressing me upon public business I shall not now dispute: But in my answer I shall confine myself to such parts of your address as relate to you as the Selectmen, or the Town as a Body.

I have no reasons to think that the Public transactions of this Town have been misapprehended by his Majesty or his Ministers or that their opinions thereon are founded upon any other accounts than those published by the Town itself. If therefore you can vindicate yourselves from such charges as may arise from your own publications, you will in my opinion have nothing further to apprehend.

(Signed)

FRANCIS BERNARD.

PROVINCE HOUSE, Feb. 18, 1769.

Copy Att.

WILLIAM COOPER,
Town Clerk.

LETTER FROM THOMAS CUSHING TO STEPHEN SAYRE.

Boston, Feb. 20, 1769.

SIR:

Since my last I have not received any of your favors, however am in daily expectation of having the pleasure of a line from you. The Governor some time ago showed me a letter from Lord Hillsborough wherein he endeavours to exculpate himself with respect to our Petition's not being seasonably delivered to the King and throws the blame upon Mr. De Berdt, by whom it was never offered to him. If I recollect the letter, he says in the course of some conversation with you, mention was made of the Petition, and you offered to let him have a sight of it, accordingly some days after you sent it to him (his Lordship) inclosed in a letter (a copy of which the Governor showed me) wherein you desire him to present it to the King. This was the way he received it, not directly from the Agent, or any person properly empowered to deliver it, and without any document to prove it to be a Petition from Massachusetts, under these circumstances he says he did not see his way clear as secretary of State to offer it to his Majesty. I cannot give you the words of the Letter but this is the substance. It is besure directly contrary to Mr. De Berdt's Letters to me of the 27 June last, wherein he writes that he has delivered the Petition to Lord Hillsborough which he by no means thought proper to deliver to his Majesty at present, however he thought it his Duty to leave it with his Lordship and urged the contents. One or other must be under a mistake, and seeing there had been so much puzzle about this Petition, it is a matter of surprise that Mr. De Berdt was not more precise and exact relative to the Petition from the Convention who directed him *to Deliver it to the King in Person*; he had by some means or other been so embarrassed with respect to the Petition from the House that it was expected he would have

punctually followed his directions with respect to the other. The members of the Convention are not insensible that it was not usual for to Deliver Petitions of Business to the King in Person, but there had been so much difficulty about getting the other presented to his Majesty that they thought it necessary to direct as to the delivery of their Petition, in the manner they did, to prevent any failure. Its not being delivered agreeable to the directions has given some uneasiness to People here, as they have been informed by a member of Parliament that it would have had a happy effect if it had been delivered to his Majesty before he made his speech to both Houses. Mr. De Berdt writes the 19th Nov. that his Lordship informed him that he had seen this Petition in Print before he offered it. His Lordship must be under a mistake if he means that he saw it in any of our public Prints because I am sure it never has been printed on this side the Water, whatever it may have been on your side—All the Colonies except one or two have petitioned and I hope their Prayers will meet with a favourable answer. As to settling the Dispute by granting the Colonies a Representation it will be impracticable as our local circumstances will not admit of it—The only way I can think of is for the Parliament to regulate the Trade of the whole Empire in a just and equal manner for the benefit of the whole and whenever the common cause demands the aid of the Colonies that requisition be made as usual before the passing of the Stamp Act and I doubt not the Colonies will cheerfully contribute what may be thought reasonable according to their abilities.

I have sent per Capt. Hall a small bundle containing a silk gown, which I should take it as a favor if you would get dyed of the same colour with the pattern affixed to it. I should be glad it might be dyed by Mary Birand at her ware house in ship yard Bartholomew lane, behind the Royal Exchange. I have had some experience of her dyeing and she performs well—Your compliance herewith will oblige

Your humble Servant,

THOMAS CUSHING.

P. S. Pray let me hear from you particularly with regard to American Affairs as often as possible. Pray be so kind as to send to Capt. Hall for the silk Gown and let me know the expense you are at for the dyeing and I will pay Mr. Richard Cary with whom I suppose you have an acc't open.

Y'r Ob't Sev't,

T. CUSHING.

To Mr. STEPHEN SAYRE.

PROCEEDINGS OF THE SELECTMEN OF BOSTON.

BOSTON.

At a Meeting of the Selectmen Feb. 23, 1769.

Present:—Joshua Henshaw, Joseph Jackson, John Ruddock, John Hancock, Sam. Pemberton, Esq., Mr. Henderson Inches.

Voted unanimously, that the following Address be presented His Excellency Francis Bernard Esq.

MAY IT PLEASE YOUR EXCELLENCY,

The Selectmen of the Town of *Boston* beg leave once more to wait on your Excellency, hoping you will excuse this further trouble, as it is upon a Matter of the greatest Importance to the Town—

In your answer to our late humble request, Your Excellency was pleased to say, "You have no reason to think that the public Transactions of this town have been misapprehended by his Majesty or his Ministers; or that their opinions thereon are founded upon any other accounts than those published by the Town itself." And "that if we can vindicate ourselves from such charges as may arise from our own publications, we shall in your opinion have nothing further to apprehend." As the Town has published nothing but its own transactions in Town meeting legally Assembled, it gives us the greatest pleasure to

find your Excellency, in your reply to us, thus vindicate it from any just cause of apprehension, from the general character of its inhabitants, considered as individuals. If therefore the Town has suffered on account of the disorders which happened on the *18th of March and 10th of June* last, by persons unknown (the only disorders that have taken place in this Town within the year past) we take your Excellency's Declaration to us to be full testimony that in your opinion it must be in consequence of some partial or false representations of those Disorders to his Majesty's Ministers. And we rejoice to find your Excellency's sentiments, as expressed in your reply, so far harmonizing with those of his Majesty's Council not long ago published. We have in this case the most authentic evidence that can possibly be had, the joint testimony of the Governor and Council of the Province: That the Town has not been *in a state of opposition to order and Government*, and such, *as to require a Military Force to support civil Authority*.

With regard to the public transactions of the Town when legally assembled, from which *alone* in your Excellency's declared opinion the Town could have anything to apprehend, we beg leave to say, that, after the most careful retrospect and the best inquiry we could make into the nature and import of those transactions, we are utterly at a loss in what view they could appear to have militated with any law or the British Constitution of Government. And we entreat your Excellency would condescend to point out to us in what particular respect they either have been or may be viewed in any such a light that either the Town may be made sensible of the Illegality of its proceedings, or that upon the most critical Examination, its innocence may appear in a still clearer light.

Your Excellency's high station in the Province and the regard you have *professed* for the interest of the Town, we humbly apprehend, must give propriety to this as well as our former address.

The foregoing address was accordingly presented his Excellency by the selectmen of the Town last Friday, when his Excellency was pleased to return the following answer—

GENTLEMEN:

As in my answer to your former address, I confined myself to you as Selectmen and the Town as a body. I did not mean to refer to the disorders on the 18th of March or the 10th of June, but to the transactions in the town meetings and the proceedings of the selectmen in consequence thereof.

(Signed)

FRANCIS BERNARD.

Copy Att't.

WILLIAM COOPER, Town Clerk.

Feb. 24, 1769.

LETTER FROM RICHARD CARY TO —.

CHARLESTOWN, July 24, 1769.

DEAR SIR:

I wrote you a few days ago by Robson: things were so circumstanced then, as to cause three letters by the same vessel.

You will now I conclude have a long letter and other papers sent from the Committee of the House of Representatives, which makes it necessary for me to be particular on the subject.

You'll see by some affidavits sent you, the soldiers instead of preserving peace among us, are the violaters of it; they are troublesome and make a good deal of disturbance.

The ministry to enforce this Revenue Act, have put the Nation, I imagine, to above a million charge, to support a plan every one now must be convinced, will be of no advantage, but cause great Tumults and uneasiness throughout America, be-

sides lessening the affection and Interest between the Mother Country and her Colonies.

To see your Interest so well established in the House of Representatives, I think must afford you a real pleasure, as it gave me, to find you had every vote but two for their Agent. A good harmony between you and Mr. Bollam may be much to the interest of the Province, at this critical juncture, when Governor Bernard goes home so full of resentment. A watchful eye on his conduct, you will doubtless think, very necessary.

I have lately talkt with Mr. Pepperill, who soon looks for effects from Newfoundland, which he assures me shall come into your hands, he expresses a concern you should be so long out of your money. I will not be remiss, that you may have it, as soon as possible.

Some demands still in England against Smith's Estate and the slow sale of the goods, causes a delay in the settlement. You may depend on my attention to serve your interest.

Our whale fishery has been successful this season which is of importance to our trade with England.

As two vessels from London are daily look't for, I promise myself the pleasure of hearing from you; which is always pleasing to,

Dear sir,

Your affectionate and humble servant,

RICHARD CARY.

P. S. When you come to read the Resolutions of the House, their Petition to the King, their Messages, &c. you'll perhaps think milder proceedings would have answered salutary purposes better, but prudence and moderation does not seem virtues with some people among us.

LETTER FROM RICHARD CARY TO —.

July 26th.

DEAR SIR:

Since writing the foregoing I've the pleasure of your's of 12 May, with the King's Speech inclosed, for which I thank you.

I see great uneasiness prevails among you as well as among us, and unless the conduct of the ministry alters, discontent and complaints will prevail in both Countrys. Mr. Cushing was so good as to show me your Letters to him.

I wish your good advice may be attended to. Notwithstanding the Sugar Plum from the ministry that the Acts shall be repealed next session of Parliament, perhaps designed to make people easy here, and to write for goods which may quiet some uneasy minds with you, a partial Repeal is to little purpose unless the arbitrary obnoxious Board of Commissioners is removed.

The Freer our Trade the better for our Mother Country, so that no disadvantages arise to her manufacturys.

I hear Scott was not going up.

Believe me to be very sincerely,

My good sir,

Your Faithful Friend,

RICHARD CARY.

LETTER FROM THOMAS CUSHING AND OTHERS, COMMITTEE,
TO ——— ———.

BOSTON, October 23, 1769.

SIR:

In pursuance of the directions of the Town of Boston we have the honor to transmit you a Pamphlet containing some

observations upon divers letters and memorials wrote by Governor Bernard and others wherein the Town has been injuriously aspersed and its inhabitants grossly misrepresented. Your unwearied endeavours to serve the Interest of this Province and the American Colonies in General, have been observed with pleasure and will ever be had in grateful remembrance by this people, and we are persuaded from your well known attachment to the cause of Liberty that you will exert yourself in behalf of this injured town and improve their vindication now sent you in such a manner as will best serve to set their character in a true point of light and that you will also employ your influence to obtain the removal of all the grievances the Americans at present labor under. The inclosed Pamphlet will give you some idea what relief is expected by the People here, they will never think their grievances are redressed till every Revenue Act is Repealed, The Board of Commissioners dissolved and the Troops removed, and things restored to the State they were in before the late measures of Administration were taken. These things being accomplished we doubt not that the Harmony which heretofore subsisted between Great Britain and the Colonies will be happily restored, an event ardently wished for by every Friend to the British Empire.

We are with strict truth,

Sir, Your Obedient humble servants,

THOMAS CUSHING,
SAMUEL ADAMS,
JOSEPH WARREN,
RI. DANA,
JOSHUA HENSHAW,
JOSEPH JACKSON,
BENJ. KENT.

Committee.

COPY OF A LETTER FROM DENNIS DE BERDT TO THE EARL OF
HILLSBOROUGH.

LONDON, 9th Novem'er, 1769.

MY LORD:

In obedience to your Lordship's Commands I here inclose you my original appointment to the Agency for the Lower Counties on Delaware.

Since I waited on your Lordship Last Wednesday, a ship has arrived from Boston, but brings me no letter.

As it is of vast importance to the reputation of the People in that Colony to have an opportunity of supporting the allegations in their Petition to his majesty against Sir Fran's Bernard, I am obliged to *insist on their behalf*, that sufficient time be granted them for that purpose in case he is resolved to make his defence before the King in Council, otherwise his majesty can have an opportunity of hearing but one side of the question.

As I think it my duty to inform my constituents by the first conveyance to any part of the Continent of this very important proceeding I must beg your Lordship's immediate answer, for the honor and reputation of Two or three hundred Thousand of His majesty's most Loyal and Loving subjects may depend much on the event.

COPY OF A LETTER FROM JOHN POWNALL TO DENNIS DE BERDT.

WHITEHALL, Nov. 10, 1769.

SIR:

I am Commanded by the Earl of Hillsborough to acquaint you in answer to your Letter to his Lordship of the 8th Instant that the Petition to His Majesty against Sr. Fran's Bernard which you mention having been by his Majesty's Command

referred to the consideration of His Privy Council, any application you have to make touching that Petition must be to that Board.

I am further Commanded to acquaint you that the Petition of the Assembly of the Lower Counties on Delaware, which you delivered to His Lordship has been laid before the King.

I am,

Sir,

Your most obed't humble ser'vt.

(Signed) JOHN POWNALL.

PETITION OF DENNIS DE BERDT TO THE KING.

TO THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL:

The Humble Petition of Dennys De Berdt Agent for the House of Assembly of the Massachusetts Bay,

Sheweth, That your Pétitioner having rec'd a Petition to your Majesty which according to the direction of his Constituents, he delivered to your Majesty in person,

The said Petition tho' full of Duty and affection to your Majesty's Person and Government (of which they have especially in the course of the two last wars given undeniable evidence) yet containing heavy charges and grievous complaints of the Administration of Sr. Fra's Bernard, Baronet, as thereby more fully appears,

Being informed by the Earl of Hillsborough that your Majesty has referred the consideration thereof to your Majesty in Council, and as your Majesty's determination thereon must greatly affect many thousands of your Majesty's Dutiful and Loyal Subjects, and is a matter of the highest importance,

Your Petitioner earnestly prays in behalf of the said People that in your great Wisdom and Justice, your Majesty will be

pleased to grant them due time and opportunity to make good the several Allegations contained in the said Petition.

And your Petitioner,

I shall ever pray.

(Signed) DENNYS DE BERDT.

LONDON, 13th Nov., 1769.

LETTER FROM THOMAS CUSHING AND OTHERS TO DENNIS DE BERDT.

BOSTON, 29th Decem'r, 1769.

SIRS :

The Merchants and Traders of the Town of Boston having on the 1st. August 1768, entered into an agreement not to send for or import any goods from Great Britain (some few Article excepted) from the 1st. January 1769 to the 1st. January 1770 and as this agreement was near expiring on the 17th October last they entered into another agreement not to write for any goods to be shipped them from Great Britain untill all the revenue Acts imposing duties for the purpose of raising a Revenue, be totally Repealed, at the signing of which agreement it was expected that the Merchants at New York, Phila., and other Colonies would come into a similar agreement. They were accordingly wrote to upon the subject, but as they had already ordered their goods to be shipped in case the Act imposing Duties on Teas, Glass, &c., was repealed, for this and other reasons mentioned in their letters, they declined concurring with us at present, but have proposed to join us in any Plan that may be thought prudent to pursue for obtaining the Repeal of the Acts of the 1st and 6th of George the third. The Merchants here being fully convinced that it is of the utmost importance that the Traders in all the Colonies should act upon one and the same plan have agreed to conform to the agreement entered into at New York and Philadelphia and to write their Correspondents that the goods they have and may

send for should be shipped them, on this express condition that the Act imposing Duties on Tea, Glass, Paper, and Colours be totally repealed and not other ways and have directed their Committee to Confer with the Committees of the other Colonies relating to their Proposal above mentioned. In the meantime as the Acts of the 4th and 6th George the third Contain many grievous and unreasonable restrictions upon Trade and are by far the most exceptionable, the Merchants here have thought it necessary to make some observations upon these Acts as also upon the conduct of the Custom House officers here, that our friends in Parliament may be acquainted with the difficulties the Trade labors under by means of these acts, a number of which they now enclose you, which we doubt not you will make the best improvement of.

We are with the greatest Respect

Your most obedient and hum' servants,

THOMAS CUSHING,
EDWARD PAYNE,
WM. PHILLIPS,
JNO. BARRETT,
WM. MOSINENE,
ISAAC SMITH,
JOHN MASON,
WM. GREENLEAF,
JOSEPH WALDO.

DENNIS DE BERDT, Esq.

N. B. The Pamphlets del'd to the Care of Capt. Carey.

LETTER FROM THOMAS CUSHING TO STEPHEN SAYRE.

Boston, Jan. 1, 1770.

DEAR SIR:

I am now to acknowledge the receipt of your Favour of the 21 September last. I wrote you before, that our Merchants had

agreed not to Import until all the Revenue Acts were repealed but the Merchants at New York and Phila., as they had already sent their orders for goods to be shipped on condition the Act Imposing a Duty on Tea was totally Repealed and for other reasons declined concurring with us in this measure but have proposed in case the Acts of the 4th and 6th George the Third should not be repealed this winter to join us in some effectual measures to obtain the Repeal of said Acts, and the Committee of Merchants here are directed to confer with them upon a plan for that purpose in the meantime and the Merchants here thinking it of Importance that the Merchants thro' the Continent should act upon one and the same plan have concurred with those at New York and Philadelphia and agreed not to import until the Act imposing a Duty on Tea &c. is totally repealed and have made some observations on the Acts of the 4th and 6th of George the Third, that our Friends in Parliament may be thoroughly acquainted with our objections to those Acts. Inclosed you have one of the Pamphlets which I doubt not you will make the best improvement of. Our Merchants remain firm to their Agreement; as evidence of it they have insisted upon the reshipping a parcel of goods lately arrived from Bristol which were sent out by Mr. Wm. Jones Merchant there, and the vessel on which they are laden will sail in a few days, for Bristol, they amount to above Three thousand Pounds Sterling. I hope this will convince the People on your side the water that thus we are in earnest. I hope you will inform the public in your papers, of these goods being returned as well as those by Capt. Briant. The Government of New York have lately voted to supply the Troops there, which has occasioned great uneasiness there, and the people have convened there an Amount of 1400 and sent a Committee to their Representatives to let them know that they disapprove of this measure. The general Court resent this Conduct of the People, what will be the consequence time alone will discover. I hope and

pray that we may obtain relief this winter, if not I dread the Consequence.

I conclude with respect,

Y'r most humble Servant

THOMAS CUSHING.

MR. STEPHEN SAYRE.

LETTER FROM THOMAS CUSHING AND OTHERS TO
DENNIS DE BERDT.

Boston, 30 January, 1770.

SIR:

As there are many Persons among us whose Disposition is to represent every occurrence here as much to the disadvantage of this Town and Province as possible and from the late transactions of the merchants here we are apprehensive many misrepresentations will be made on your side the water, to prevent the bad impressions of which we beg leave to lay before you a candid and fair state of the whole matter and accordingly now enclose you the Boston Gazette in which is inserted a particular and faithful account of the proceedings of the Merchants and Traders of this Town at a late meeting which was occasioned by the efforts of some persons to render abortive the non-importation agreement. A few people who had agreed to store their goods until a general importation might take place had lately violated their agreement, some by removing their goods, particularly Messrs. Thomas and Elisha Hutchinson, sons to the Lieut. Governor who had imported a considerable Quantity of Tea and had according to agreement stored and put the same under the Care of the Committee of Inspection and delivered them the Key, late on Saturday night the 6th Inst. they found means to get into the store where the Tea was lodged and in a clandestine manner carried it off with a

declared intention of selling the same and part of them upon examination it was found were actually sold. From this conduct of theirs others took courage and publicly gave out that they intended to sell their goods and some few did actually sell. This greatly alarmed the Trade, many of whom said that in case the Conduct of those Persons passed unnoticed they would immediately transmit orders for goods to be shipped forthwith whether the Revenue Acts were repealed or not, by this means the Agreement at this critical time, it was highly probable, would be destroyed: the consequences of which might perhaps be fatal as it would not only destroy our credit with the merchants in the other Governments, but have a direct tendency to weaken the hands of our Friends and strengthen those of our Enemies on your side the Water and so might be the means of preventing the Revenue Acts being repealed. It was therefore Judged to be absolutely necessary to call a meeting of *the Merchants and Traders and others connected with Trade*, to consider of some legal and spirited measures to prevent the non-importation agreement being rendered abortive. As people in general were uneasy at the conduct of these few persons which it was apprehended was in pursuance of a formed and settled Plan to render void the agreement. The meetings held upon this occasion were large but everything was conducted with the utmost order, peace and decorum. As repeated applications has been made to these delinquents by Committees whom they only trifled with, it was judged expedient and lawful for the whole body to wait upon them and demand a compliance with their Agreement. This measure was thought to be more necessary at this time as our brethren in the other governments complained of our want of spirit, that our measures were too lax and in short began to grow very jealous of us; The Trade were forced of convincing of them that they were in earnest and at the same time chose carefully to avoid every measure that had the least appearance of Illegality. This Measure therefore was proposed as one well adapted to con-

vince them of our zeal in the cause; however the Commissioners and those who expected to reap any advantage from the Revenue Acts, clamoured about the meeting, said that it was unwarrantable and that the proceedings were illegal, but what they chiefly objected to was the whole body going to the Houses and Stores of these people and they represented as if the Trade had demanded their Goods and Money, which upon perusing the account enclosed you will find is very far from the truth. The Body only waited upon *some particular persons* and informed them that it appeared from the report of their Committee that they had violated their agreement and demanded of them the restoring such goods to the care of the Committee *as they had taken from their care and which they had agreed should be stored and kept until a general Importation might take place*, in other words it was only peremptorily demanding of them the fulfillment of the agreement which they had voluntarily made with the Trade. This the Body apprehended they had an undoubted right to do, this they thought it was necessary to do in order to preserve their Credit. It was the last step, that could be taken and after having in this manner done their Duty they determined to justify themselves to their Brethren thro' the Continent and publish the names of these delinquents to the world, that they might meet with all that neglect and contempt they deserved from all who are well wishers to this Country.

The Lieut. Governor convened his Council upon this occasion and laid before them the proceedings of the meeting; he proposed, as we are informed, the Issuing a Proclamation Enjoining and requiring the People assembled to disperse, but they would not advise to it, he then proposed as we are also informed, going himself to the meeting to enjoin them to disperse, neither would they advise to this, he made several other proposals but to no purpose. They met indeed from day to day but as they did not apprehend the Peace of the Town was in any danger they did not seem inclined to discountenance the meetings or to do anything that might give a check to the

measures that were pursuing in order to prevent the non Importation agreement's being broke. At last his Honor, the Lieut. Governor, not by advice of Council, but without their Privy or knowledge, sent a paper to the Meeting enclosed in a Letter to their Moderator, Copys of which you have inserted in the Newspapers. Afterwards His Honor made mention of this Letter and paper to his Council upon which they passed a Vote by a Majority of one in substance as follows. That this Board approve of his Honor the Lieut. Governor's sending the said letter and paper to the people met at Faneuil Hall and that it was altogether unnecessary for the Board to interfere in this affair. So it appears from this account of the matter that the Board considering his Honor's station thought it not amiss in him to show some discountenance to the proceedings of this meeting and approved of his sending the Letter as Commander in Chief, but it seems were not disposed to interpose their authority in this affair by advising to any measure that would discountenance the meeting or interrupt their proceedings. His Honor also Cited the Justices of the County of Suffolk to meet him and acquainted them also with the proceedings of this meeting and desired them to consider what was proper to be done by them relative to this matter. The result of their Consultations you have in their answer to his Honor, which is inserted in the Boston Gazette of the 29th Instant; by their answer it appears they pass over the meeting in silence and did not judge that there was any particular call at this time for any exertions of theirs.

We have not the least reason to doubt that according to custom the worst construction possible will be put upon these proceedings of the Merchants and others, that every circumstance will be aggravated and such a colouring given to the whole of the Transactions as may make the most unfavourable impressions. You will excuse us therefore in being so particular in our account of this meeting and of the Occasion and Design of it, as you will hereby be enabled to set it in its true

light and we are persuaded from your well known regard to the true Interest of this Town and Province and from your repeated exertions in their favor that nothing in your power will be wanting to defend us against the ill natured suggestions and cruel misrepresentations of those who have been and still are disposed by every art in their power to injure us.

We are with great regard

Your most humble servants,

THOMAS CUSHING,
WM. PHILLIPS,
JOHN HANCOCK,
ISAAC SMITH,
HENDERSON INCHES,
JNO. BARRETT,
WM. GREENLEAF,
EBENEZER STORER,
JOHN MASSON,
JOSEPH WALDO,
W. MOLINEAUX.

To DENNIS DE BERDT, Esq.

LETTER FROM JAMES BOWDOIN AND OTHERS TO ———.

BOSTON, NEW ENGLAND, March 23rd, 1770.

SIR:

It is in consequence of an appointment of the Town of Boston that we have the honor of writing to you, and of communicating the enclosed narrative, relative to the massacre in this Town on the 5th Instant.

After that execrable deed, perpetrated by Soldiers of the 29th Regiment, the Town thought it highly expedient, that a full and just representation of it should be made to Persons of Character as soon as may be, in order to frustrate the designs

of certain men who, as they have heretofore been plotting the ruin of our Constitution and Liberties, by their Letters, Memorials and Representations, are now said to have procured depositions in a private manner, relative to the said Massacre to bring an odium upon the Town as the aggressors in that affair. But we humbly apprehend that after examining the said Narrative, and the Depositions annexed to it, you will be fully satisfied of the Falsehood of such a suggestion; and we take upon ourselves to declare upon our honor and consciences, that having examined critically into the matter, there does not appear the least ground for it.

The Depositions referred to (if any such there be) were taken without notifying the Selectmen of the Town, or any other Persons whatever, to be present at the Caption in behalf of the Town: which, as it has been a thing justly complained of heretofore in some other cases, so the Town now renew their complaints on the same head; and humbly presume such Depositions will have no weight till the Town has been served with Copies of them, and an opportunity given them to be heard in their defence in this matter, and in any other, wherein their character is drawn into Question with a view of passing a censure upon it.

A different conduct was observed on the Part of the Town: The Justices with a Committee to attend them made their examinations publicly; most of them at Faneuil Hall and the rest where any persons might attend. Notifications were sent to the Custom House where the Commissioners of the Customs sit, that they or any persons in their behalf might be present at the Captions; and accordingly Mr. Sheaffe, the Deputy Collector, and Mr. Green, Tenant of the Custom House under the Commissioners and employed by them, were present at many of them.

One of said Commissioners Mr. Robinson, in a secret manner has embarked on board Capt. Robson, and sailed for London the 16th Instant; which with Three of the other Commissioners

retiring from the Town, and not having held a Board for some time since the 5th Instant, gives reason to apprehend they have planned, and are executing a scheme of misrepresentation, to induce Administration to think that their persons are not in safety in this town in the absence of Troops. But their safety is no way dependent on Troops; for you are sensible, sir, that if any evil had ever been intended them, troops could not have prevented it.

It was so apparently incompatible with the safety of the Town for the Troops to continue any longer in it, that His Majesty's Council were unanimous in their advice to the Lieutenant Governor that they should be removed to the Barracks at Castle Island and it is the humble and fervent prayer of the Town, and the Province in General, that His Majesty will graciously be pleased, in his great wisdom and goodness, to order the said Troops out of the Province; and that his dutiful and loyal subjects of this Town and Province—dutiful and loyal notwithstanding any representations to the contrary—may not again be distressed and destroyed by Troops; for preventing which we beg leave in behalf of the Town, to request most earnestly the favor of your interposition and influence. We have the Honor to be with the most perfect regard,

Sir,

Your most obedient and very humble Servants,
JAMES BOWDOIN,
SAM'L PEMBERTON,
JOSEPH WARREN.

LETTER FROM THOMAS CUSHING AND OTHERS TO
BENJAMIN FRANKLIN.

Boston, July 13th, 1770.

SIR:

It affords very great satisfaction to the Town of Boston to find that the narrative of the horrid massacre perpetrated here on the 5th of March last, which was transmitted to London, has had the desired effect: by establishing truth in the minds of honest men and in some measure preventing the odium being cast on the Inhabitants, as the aggressors in it. We were very apprehensive that all attempts would be made to gain this advantage against us, and as there is no occasion to think, that the malice of our enemies is in the least abated, it has been thought necessary that our friends on your side of the water should have a true state of the Circumstances of the Town and of everything which has materially occurred since the removal of the Troops to the Castle. For this purpose we are appointed a Committee. But the time will not admit of our writing so fully by this conveyance, as we intend by the next, in the mean time we intreat your further friendship for the Town, in your endeavours to get the judgment of the Public suspended upon any representation that may have been made, by the Commissioners of the Customs and others, until the Town can have the opportunity of knowing what is alleged against it and of answering for itself. We must confess that we are astonished to hear that the Parliament had come to the determination to admit garbled extracts from such letters as may be received from America by Administration and to conceal the names of the Persons who may be the writers of them. This will certainly give great encouragement to Persons of wicked intentions to abuse the nation and abuse the Colonies in the grossest manner with impunity or even without detection. For a confirmation hercof we need to recur no further back than a

few months, when undoubtedly the accounts and Letters carried by Mr. Robson would have been attended with very unhappy, if not fatal effects, had not this Town been so attentive as to have contradicted those false accounts by the Depositions of many credible persons under oath. But it cannot be supposed that a Community will be so attentive but upon the most alarming events. In general Individuals are following their private concerns, while it is to be feared the restless adversaries are forming the most dangerous Plans for the ruin of the Reputation of the People, in order to build their own greatness on the destruction of their Liberties. This game they have been long playing; and though in some few Instances they have had a losing hand yet they have commonly managed with such art, that they have so far succeeded in their malicious designs as to involve the Nation and the Colonies in Confusion and distress. This it is presumed they never could have accomplished had not those very letters been kept from the view of the public, with a design perhaps to conceal the falsehood of them the discovery of which would have prevented their having any mischievous effects. This is the game which we have reason to believe they are now playing with so much secrecy as may render it impossible for us fully to detect them on this side the water: How deplorable then must be our condition, if ample credit is to be given to their Testimonies against us, by the Government at home and if the names of our accusers are to be kept a profound secret, and the world is to see only such parts or parcels of their Representations as Persons, who perhaps may be interested in their favor, shall think proper to hold up. Such a conduct if allowed, seems to put it into the power of a few designing men to deceive a nation to its ruin. The measures which have been taken in consequence of Intelligence managed with such secrecy have already to a very great degree lessened that mutual confidence which had ever subsisted between the mother Country and the Colonies and must in the natural course of things totally alienate their affections towards

each other and consequently weaken and in the end destroy the power of the Empire. It is in this extended view of things that our minds are affected. It is from these apprehensions that we earnestly wish that all communication between the two Countries of a public nature, may be unvailed before the public, with the names of the persons who are concerned therein, then and not till then will American affairs be under the direction of honest men, who are never afraid or ashamed of the light. And as we have abundant reason to be jealous that the most mischievous and virulent accounts have been very lately sent to Administration from Castle William where the Commissioners have again retreated for no reason that we can conceive, but after their former manner to misrepresent and injure this Town and Province, we earnestly entreat that you would use your utmost influence to have an order passed that the *whole* of the Packetts sent by the Commissioners of the Customs and others under the care of one Mr. Bacon, late an officer of the Customs in Virginia, who took his passage the last week in the Brigantine Lydia, Joseph Wood, Commander, may be laid before his Majesty in Council.

If the writers of those letters shall appear to be innocent, no harm can possibly arise from such a measure; if otherwise, it may be the means of explaining the true cause of the National and Colonial malady, and of affording an easy remedy, and therefore the measure may be justified and applauded by all the world.

We have observed in the English Papers the most notorious of falsehoods published with an apparent design to give the world a prejudice against this Town, as the aggressors in the unhappy transaction of the 5th of March, but no account has been more repugnant to the truth, than a paper printed in the public Advertiser of the 20th of April which is called *The case of Capt. Preston*. As a Committee of this Town we thought ourselves bound in faithfulness to wait on Capt. Preston to inquire of him whether he was the Author—he frankly told us

that he had drawn a state of his case, but that it had passed through different hands and was altered at different times and finally the Publication in the Advertiser was varied from that which he sent home as his own. We then desired him to let us know whether several parts which we might point to him and to which we took exceptions were his own, but he declined satisfying us herein, saying that the alterations were made by Persons who he supposed might aim at serving him, though he feared they might have a contrary effect, and that his discriminating to us the parts of it which were his own from those which had been altered by others might displease his friends at a time when he might stand in need of their essential service; this was the substance of the conversation between us, whereupon we retired and wrote to Capt. Preston a Letter the copy of which is now enclosed.

The next day not receiving an answer from Capt. Preston at the time we proposed, we sent him a message desiring to be informed whether we might expect his answer, to which he replied by a verbal message as ours was that he had nothing further to add to what he had said to us the day before, as you'll please to observe by the enclosed certificate—

As therefore Capt. Preston has utterly declined to make good the charges against the Town in the Paper called his case, or to let us know to whom we may apply as the Author or Authors of those parts which he might have disclaimed, and especially as the whole of his case thus stated directly militates not only with his own letter published under his own hand in the Boston Gazette, but with Depositions of others annexed to our narrative which were taken, not behind the Curtain as some may have been, but openly and fairly after notifying the parties interested, and before magistrates to whose credit the Governor of the Province has given his full attestation under the Province Seal, we cannot think that the papers called the Case of *Capt. Thomas Preston*, or any other papers of the like import, can be deemed in the opinion of the sensible and impartial part of

mankind as sufficient in the least degree to prejudice the character of the Town. It is therefore altogether needless for us to point out the many falsehoods contained in this paper; nor indeed would there be time for it at present for the reason above mentioned. We cannot however omit taking notice of the artifice made use of by those who drew up the statement in insinuating that it was the design of the people to plunder the King's Chest, and for the more effecting that to murder the Centinel posted at the Custom House where the money was lodged. This Intelligence is said to have been brought to Capt. Preston by a Townsman who assured him *that he heard the mob declare* they would murder the Centinel. The townsman probably was one Greenwood, a servant to the Commissioners, whose deposition No. 96 is inserted among others in the narrative of the Town, and of whom it is observed in a marginal note that "Through the whole of his examination he was so inconsistent and so frequently contradicted himself that all present were convinced that no credit ought to be given to his deposition, for which reason it would not have been inserted had it not been known that a deposition was taken relating to this affair, from this Greenwood by Justice Murray and carried home by Mr. Robinson," and further, "this deponent is the only person out of a great number of witnesses examined who heard anything mentioned of the Custom House." Whether this part of the Case of Capt. Preston was inserted by himself or some other person we are not told: It is very much to be questioned whether the information was given by any other than Greenwood himself, and the *sort of Character* which he bears is so well known to the Commissioners and their connections some of whom probably assisted Capt. Preston in stating his case, as to have made them ashamed if they regarded the truth to have given the least credit to what he said. Whoever may have helped them to this intelligence, we will venture to say, that it never has been and never can be supported by the testimony of any man of tolerable reputation.

We shall only observe upon this occasion, how inveterate our enemies here are, who rather than omit what they might think a lucky opportunity of slandering the Town, have wrought up narrative not only unsupported by, but contrary to the clearest evidence of facts and have even prevailed upon an unhappy man under pretence of friendship to him, to adopt it as his own. Though they must have known with a common share of understanding that its being published to the world *as his own* must have injured him, under his present circumstances, in the most tender point, and so shocked was Capt. Preston himself at its appearing in the light on this side the water, that he was immediately apprehensive so glaring a falsehood would raise the indignation of a people to such a pitch as to prompt them to some attempts that would be dangerous to him, and he accordingly applied to Mr. Sheriff Greenleaf for special protection on that account. But the Sheriff assuring him that there was no such disposition appearing among the people (which is an undoubted truth) Capt. Preston's fears at length subsided, and he still remains in safe custody, to be tried by the Superior Court of Judicature, at the next term in August, unless the Judges shall think proper further to postpone the trial, as they have done for one whole term, since he was indicted by the Grand Jury.

Before we conclude it may not be improper to observe that the removal of the Troops was in the slowest order, insomuch that eleven days were spent in carrying the two Regiments to Castle Island, which had before landed in the Town in less than forty-eight hours, yet in all this time, while the number of the Troops was daily lessening, not the least disorder was made by the inhabitants, tho' filled with a just indignation and horror at the blood of their fellow citizens, so inhumanely spilt! And since their removal the common soldiers have frequently and even daily come up to the Town for necessary provisions, and some of the officers, as well as several of the families of the soldiers have resided in the Town and done business therein

without the least molestation; yet so hardy have our Enemies been as to report in London that the enraged populace had hanged up Capt. Preston.

The strange and irreconcilable conduct of the Commissioners of Customs since the 5th of March—their applying for leave to retire to the Castle so early as the tenth, and spending their time in making excursions into the Country 'till the 20th of June following, together with other material circumstances are the subject of our present enquiry, the result of which you will be made acquainted with by the next conveyance. In the mean time we remain with strict truth,

Sir,

Your much obliged and most obedient servants,

THOMAS CUSHING,
R. DANA,
SAM'L ADAMS,
JOHN HANCOCK,
WM. PHILLIPS,
WM. MOLINEUX,
EBENEZER STORER,
WM. GREENLEAF.

To BENJAMIN FRANKLIN, Esq.

A COPY OF LIEUTENANT GOVERNOR HUTCHINSON'S ORDERS TO
CAPTAIN JOHN PHILLIPS.

Having received by a Letter of the 6th of July last from the Right Honourable the Earle of Hillsborough a signification of his Majesty's pleasure that the Company doing Duty in Castle William be withdrawn and that the possession of the Fort be delivered to an officer of the Regular Forces, and that the Garrison consist of these Forces, You are therefore directed to deliver the Possession of the Fort to Lieutenant Colonel Dal-

rymple and to such Detachment of the Regular Forces now upon the Island as he shall order. Given under my hand at Boston the 10th day of September 1770.

J. HUTCHINSON.

To CAPT. JOHN PHILLIPS,

Or in his absence to the Commanding officer of the Garrison at Castle William.

PROCEEDINGS OF THE COUNCIL OF MASSACHUSETTS.

In Council October 4, 1770.

ONE of the members of the Board having acquainted the Board that he had seen a Deposition signed—Andrew Oliver—which was published in the Appendix to a Pamphlet lately printed in London in which Deposition divers Gentlemen of the Council (which consisted of Eight Members then present, therein said to be convened on the 5th day of March last) are represented as having made such a Declaration to His Honour the Lieut. Governor respecting a plan formed by the People to remove the King's Troops and the Commissioners of the Customs from the Town of Boston, as was likely to be attended with the most pernicious consequences to this Province: He thereupon moved that the Board would make inquiry of the Gentlemen of which said Council consisted what foundation there was for such a Representation—which motion being recorded the Board desired said Gentlemen, namely, Mr. Danforth, Mr. Erving, Mr. Hubbard, Mr. Gray, Mr. Russell, Mr. Tyler, Mr. Pitts and Mr. Dexter, to prepare a true state of the matter and lay the same before the Board as soon as may be.

JNO. COTTON, D. Secr'y.

A true Copy, Attest:

JNO. COTTON, D. Secr'y.

The Committee appointed by the Hon'ble Board on the 4th of October instant to inquire what foundation there was for the Representations made in the Deposition signed Andrew Oliver, published in the Appendix to a Pamphlet published in London, and to prepare a true state of that matter and lay the same before the Board having (as far as they are able) recollected the proceedings had in Council the 6th and 7th of March last and the Declaration of Royal Tyler, Esq., and other members of Council (so far as those proceedings and Declarations are referr'd to in Mr. Oliver's Deposition). What your Committee can severally recollect, being comprised in their respective Depositions accompanying this their Report they take leave to lay the same before the Hon'ble Board for their consideration.

SAM'L DANFORTH, By Order.

In Council Octo. 16, 1770. Read and accepted and ordered that William Brattle, James Bowdoin, James Otis, John Bradbury and Stephen Hall, Esq's, be a Committee to take into consideration the subject matter of this Report, together with the Papers relative thereto, as also two Petitions from Mr. Secretary Oliver to the Board on the same subject, and Report what they think proper should be done thereon.

JNO. COTTON, D. Secr'y.

The Committee appointed by the Hon'ble Board the 16th instant beg leave to make the following Report.

WILLIAM BRATTLE, by Order.

The Committee having maturely considered two Petitions to the Hon'ble Board from the Secretary Andrew Oliver, Esq., together with his Affidavit concerning the proceedings at Council on the 6th and 7th of March last annexed to a Pamphlet published in London and the several Depositions on the subject matter of the said affidavit, take occasion to make a few observations from and upon them.

With Regard to the said Affidavit several things are observable from it.

1st. That what is there declared to have been said by Mr. Tyler in Council is expressed in such a manner as to be generally understood to represent that antecedent to the unhappy affair of the 5th of March last, there had been a plan formed by the People of the best character among us to remove the Troops out of the Town of Boston and after that the Commissioners.

2ndly. That divers Gentlemen of the Council adopted what had been so said.

3dly. That the Secretary had in his Draft expressed what had been said in Debate at Council in the terms in the said affidavit recited, and that this form or Draft of his "was allowed by the Council strictly to express the truth, but that it would not stand well on the Council Records," whereupon "one of the Gentlemen of the Board prepared an amendment" which "was substituted."

As to the first Article, the plan therein mentioned was according to the said Affidavit intended to effect the removal of the Troops and the removal of the Commissioners.

With regard to the removal of the Troops Mr. Tyler, who mentioned the said plan in Council on the 6th of March last, declares in his Deposition "that he uttered nothing in said Council purporting that any plan had been formed to remove the Troops previous to their firing on the Inhabitants, that he had no Idea of a plan formed for the removal of said Troops until the day after the shocking scene on the Evening of the fifth of March last, and that he then meant to be understood that the disposition of the People to remove the Troops was occasioned by the killing and wounding of divers Inhabitants of the Town and by the People's apprehension that the Troops still had an unfriendly design against them.

Mr. Erving, Mr. Pitts, and Mr. Dexter, in their Depositions declare "that they cannot Recollect, neither do they believe

that anything was said in Council by Mr. Tyler purporting that any plan had been formed to remove the Troops previous to their firing on the Inhabitants, but that they understood Mr. Tyler to mean that the People were excited to such a measure by the killing and wounding of some of the Inhabitants of the Town on the evening immediately preceding."

Mr. Danforth and the other Gentlemen of the Board then present in Council have made in substance the same declarations in their respective Depositions. Mr. Cotton the Secretary's Deputy and his assistant Francis Skinner by their Depositions taken at the desire of the Secretary on being asked declared that when Mr. Tyler mentioned the plan aforesaid they did not apprehend him to mean a plan concerted previous to the Sixth of March last, and the Secretary himself has lately declared before the Board that *he* did not conceive Mr. Tyler to mean such a preconcerted plan, and that he never believed any such plan had been formed. All which declarations amount to a satisfactory proof that what Mr. Tyler said in Council did not convey the idea that a plan had been formed to remove the Troops previous to their killing a number of the Inhabitants.

With regard to a plan for the removal of the Commissioners Mr. Cotton declares "He heard Mr. Tyler say that there was a plan formed to remove the Troops from the Town and that they would not stop there; but would remove the Commissioners also." Francis Skinner declares in substance the same as does also Capt. Caldwell: The two first however say, that they did not apprehend Mr. Tyler meant a plan concerted previous to the 6th of March last. With regard to this Circumstance Capt. Caldwell is not explicit, and it does not appear that any question was asked him concerning it.

Lieut. Colonel Dalrymple in the body of his Deposition says nothing concerning the Commissioners; but after he had signed and delivered it being asked whether he remembered that Mr. Tyler said that part of the plan was to remove the Commissioners out of Town: He answered "that something of that

kind was mentioned by some Gentleman of the Council during the Debates, but he cannot say whether it was Mr. Tyler."

This is the whole of what is declared on the positive side relative to the Commissioners. Two of these declarants, viz. Cotton and Skinner, say they were called out divers times while the Council was sitting and in the course of the proceedings; and Mr. Cotton infers from it "that he cannot declare so fully as those who attended without interruption." Capt. Caldwell did not go to the Council 'till four o'clock in the afternoon of the 6th of March, and therefore cannot judge of what passed at Council so well as those who attended both parts of the day: And Col. Dalrymple who did attend both parts of the Day did not recollect when he delivered his Deposition that any thing had been said concerning the Commissioners; and his answer when asked as above shows he had only a general remembrance of something said about the Commissioners, but what it was does not clearly appear by his answer. It is very likely that what passed between the Lieut. Governor and several of the Council relative to the protection of the Commissioners as below mentioned was the thing that lay in his mind.

It is not doubted that these Declarants understood Mr. Tyler in the sense they have declared, but it is probable they might misapprehend him. It appears by Mr. Gray's and other Depositions that the Lieut. Governor asked the Board what protection there would be for the Commissioners if both Regiments were ordered to the Castle; and this very probably gave the occasion for mentioning the Commissioners at all. Mr. Tyler upon that question might express his sentiments on that head, and having so fair an opportunity might express his sentiments also concerning the Commissioners themselves and the low estimation in which they are held by the People in general not only here, but throughout the Continent, and this being intermixed with the subject of the day, viz. the removal of the Troops, might occasion what he meant to say relative to the Troops only to be understood by some as relative to them and

the Commissioners also. It is certain that all the Gentlemen of the Council then present have declared on oath they have no remembrance that Mr. Tyler said there was a plan laid for the removal of The Commissioners; and Mr. Gray adds to this Declaration that he took particular notice of what Mr. Tyler did say. Mr. Tyler himself upon the most serious recollection declares on oath that the Assertion that he said there was a plan formed to remove the Commissioners, or that it was any part of a plan to remove them is a gross misrepresentation and that in his best judgment and firm belief no plan to remove the Troops before their firing on the Inhabitants of Boston or at any time whatever to remove the Commissioners of the Customs ever was formed or forming by the People or any number of Persons whatever. He further declares that on the Lieut. Governor's asking in said Council what will become of the Commissioners if the Troops should be removed; several of the Council gave it as their opinion that they would be safe and that they always had been safe; and he verily believes nothing was said to the contrary by any one of the Council present. Mr. Gray declares that upon the Lieut. Governor's asking the said question he answered that the Commissioners would be as safe without the Troops as with them: for that the People would never be so mad as to offer them the least violence when the Troops could easily be recalled for their protection; He further declares that one gentleman at the Board immediately seconded him and assured his Honour of their safety and added that he would pawn his Life that they would receive no injury.

Mr. Danforth declares that he well remembers that divers of the Council then declared that in their opinion the Commissioners might continue in Town in safety after the Troops were removed thence; and that no one of the Council present discovered an opinion diverse therefrom.

Mr. Erving declares that he said at the Board in the hearing of the Lieut. Governor on the 6th of March last that in his

opinion the Commissioners were safe in Town and never had been in danger: and that he would pawn his life they would remain safe, or words of that import.

If the foregoing circumstances and Declarations be duly remarked it will appear highly probable that if Mr. Tyler said anything about the Commissioners it was misunderstood; and this will appear still more so if it be further remarked, that, on the contrary supposition, it must have been considered as a reason for the Troops remaining in Town if the Commissioners had been supposed to be in danger; as had been observed by several of the Deponents; and the said Deponents are persuaded it would have been so considered by the Lieut. Governor and the Commanding Officer of the Troops, and consequently have tended to defeat the very end which the several members of the Council and Mr. Tyler in particular are represented as aiming at. And they further observe that had he mentioned it as his opinion that there was a design of the People to remove the Commissioners it would have been so utterly contrary to the sentiments of these Deponents, and they doubt not of every other member of the Council present except himself that they verily believe it must have produced such a dispute and opposition as could not so soon have been forgot.

The 2nd thing observable from the Secretary's Affidavit is That divers Gentlemen of the Council by referring expressly to it adopted what Mr. Tyler had said, viz. That People of the best character among us had formed a plan not only to remove the Troops but the Commissioners.

In contradiction of this every Gentleman of the Council then present deny that they adopted any such declaration; so far were they from adopting what is represented to have been said by Mr. Tyler about a plan for the removal of the Commissioners that there is not one of them has the least remembrance of any thing said concerning a plan to remove the Commissioners and therefore they could not refer to it or in any sense whatever adopt it. Mr. Hubbard and Mr. Russell declare that as they

cannot recollect that they heard a word from Mr. Tyler of any intention to remove the Commissioners, so neither could they have adopted such a strange opinion had it been advanced by any person whatsoever.

Mr. Erving, Mr. Pitts and Mr. Dexter declare the same: and add that according to their best remembrance what was *really* said in Council by Mr. Tyler was not referred to by any other Member present in such manner as that it could with the least degree of propriety be affirmed in general terms as it is in the Deposition of the said Mr. Oliver that they adopted what Mr. Tyler had said.

Mr. Danforth in his Deposition recites that whereas in Mr. Oliver's aforementioned Affidavit it is asserted that divers members of the Council adopted what Mr. Tyler had said by referring to it, and thereby excusing themselves from enlarging (which assertion plainly imports that divers members of the Council assented to and adopted all that Mr. Oliver in his Affidavit had represented to have been said by Mr. Tyler relative to a plan formed to remove the Commissioners as well as the Troops.) He the Deponent declares that altho' he had the like apprehension Mr. Tyler had of the danger of further bloodshed in case the Troops should continue in the Town, yet that he never adopted any sentiment that a plan had been concerted for removing the Commissioners (or even the Troops by way of Compulsion) and so far at least as relates to the Commissioners this Deponent is fully persuaded that no member of the Council then present did adopt the same; inasmuch as he well remembers that divers of them then declared that in their opinion the Commissioners might continue in Town with all safety after the Troops were removed thence; and no one of the Council then present discovered an opinion diverse therefrom.

From these Depositions and what went before, it appears that the said Gentlemen of the Council were so far from adopting what the Secretary represents to have been said by Mr.

Tyler concerning a plan for the removal of the Commissioners, that there is not one of them has the least remembrance of any thing said about such a plan; and therefore they could not refer to it, or in any sense whatever adopt it.

The 3rd thing observable in the Secretary's Affidavit is what he declares about his Draft expressing what had been said in debate at Council that it was allowed by the Council strictly to express the truth, but that it would not stand well on the Council Records. This declaration represents the Council in a very odious light. It conveys to the world this Idea, that they rejected his Draft because it was true, and that the truth of it made it unfit to be recorded in the Council Books: Whereupon an amendment was substituted. To substitute an amendment that alters the Truth is to substitute a falsehood; and as the said declaration suggests such a substitution it implies a charge of falsehood upon the Gentlemen that were present at that Council. But although the Committee apprehend the secretary did not intend any such charge yet his words may probably be construed to imply it.

With regard to the said Amendment most of the said Gentlemen have expressed their Sentiments in their respective Depositions. Five of them declare that the words made use of in the amendment as recited by the said Mr. Oliver in his Deposition, which were the next morning proposed in Council to be substituted instead of the terms the Secretary had used in the minits of the Council taken the day before, these Deponents then verily thought less liable to be misconstrued; and that by this alteration the true meaning and intent of the several members of the Council, in what they had on the preceding day said to the Lieut. Governor of the Disposition of the People would fully and fairly appear.

Mr. Danforth declares that the said amendment was unanimously agreed to by the Members of the Council then present, and contains the whole of what, after full debate and mature consideration was by them adopted, and (together with the

advice given to the Lieut. Governor to use his influence that the Troops might be removed) was as this Deponent apprehends the whole that could regularly be certified by the secretary as they were the only Votes of Council that had passed upon that occasion.

The Committee next proceed to consider the Secretary's two Petitions to the Board, and to make some observations on them.

In one of them he represents that his Deposition or affidavit above mentioned appears by the tenor of it to have been made merely to vindicate the Lieut. Governor in desiring that his Majesty's Troops might be removed to Castle William after the fatal Catastrophe of the 5th of March, he having been called upon by the Lieut. Governor to give a true relation of the proceedings had in Council on that affair. If the Lieut. Governor desired the said Deposition for his vindication could he not have been vindicated without the Secretary's traducing the Council and bringing into Question the loyalty of the Town of Boston or Province? Was it not traducing the Council to suggest that they rejected his Draft because it strictly expressed the truth? And was it not bringing into question the loyalty of the Town or Province to suggest that a plan had been formed by People of the best characters among us to remove the Troops and Commissioners and that divers of the Council adopted or allowed it to be true that there was such a plan? Do these suggestions and the Declarations contained in the Secretary's Deposition in which he wholly omits what was said about the Safety of the Commissioners comport with a true Relation of the proceedings had in Council on the above mentioned affair: which Relation the Lieut. Governor called upon him for?

The Secretary further represents that "as holding his Commission immediately from the King, who therein expresses his confidence in his fidelity, he could not consider himself as acting in breach of Trust in making said Deposition, as he was called upon by the Commander in chief who is the King's Represen-

tative to give a true relation of the proceedings had in Council on that day."

Though the Secretary holds his Commission immediately from the King, the Commission constitutes him an officer of the Province, to do the Business appertaining to the office of secretary; but does not give the Commander in Chief, notwithstanding he is the King's Representative in the Province any authority over him. By virtue of his Commission he is to do the proper business of Secretary. But could it be a part of such business to take minits at Council of what all or any of the members said in their Debates? And afterwards to give a Deposition of it when called upon by the Commander in Chief? If it was not a part of such business, for what purpose could he want to assist his memory by taking said minits? Could this be any proof of fidelity to the King? or could it not be considered a breach of Trust? Would not such an Idea of the business of a secretary degrade him into the character of a spy and Informer? Would it not be inconsistent with freedom of consultation and debate and consequently one of the most essential privileges and rights of Council? And would it not therefore be subversive of every principle which distinguishes a free Government from Despotism? But admitting that the Secretary as the King's Officer is under obligation to take such minits at Council and reduce them to a Deposition if desired by the King's Representative (which is utterly denied) yet it appears by one of the Secretary's Petitions to the Board that he officiously without the privity of any one took the Minits of what was said in the Debates of Council on the Sixth of March.

If the Secretary could think himself authorized to take such minits and give such a Deposition, was he not under the obligation of honor; and did not justice require him to Communicate it to the Council before he had completed and delivered it? Had he done so, the mistakes and partial Representations contained in it might have been corrected and his own honor and Justice remained unimpeached.

It has been for some time justly complained of that Depositions, Memorials and every Species of Information have been made and taken and sent to England in a secret manner; and then made use of to represent His Majesty's Subjects here in an odious light; which has occasioned Troops and naval armaments to be sent hither, to the great and unjust annoyance and distress of His Majesty's Subjects of this Province. It was therefore the more extraordinary that the secretary in the affair of his Deposition, should act in the same secret manner, especially as it respected what had been said in Council; about which he could easily have informed himself from the Members of it, who at the same time had a right to know what he had represented concerning them. Whatever may have been designed with regard to the operation of this Deposition, the manifest tendency of it is to give a most unfavourable and at the same time a most unjust Idea of the People here, and of the Council in particular. As the said Deposition represents the Council in an ill light, it could be no disagreeable present to Governor Bernard to whom it was sent by the Lieut. Governor as he informed the Board. His Honor at the same time informed them that he desired Governor Bernard to keep it to himself unless his conduct with regard to the removing the Troops should be faulted, in which case it was to be made use of for his Honor's vindication. Whether it was used or not for that purpose is uncertain; but this is certain that it has been published in London, annexed with other Depositions to a printed Pamphlet entitled "A fair Account of the late unhappy disturbance at Boston in New England," in which Pamphlet Depositions is given a very unfair and in all material circumstances a very false account of what is therein called the late unhappy disturbance. The most material things aimed at in the said Pamphlet is to obtrude as truth on the public this falsehood viz: that a plan was here laid for the expulsion of the Troops prior to their firing on and killing a number of the Inhabitants of the Town; and the principal if not the only Deposition that

in any measure tends to support such a charge is the Secretary's above mentioned. This Deposition has in some degree answered the purpose of the Pamphlet writer or procurer; and is well calculated to answer the further purpose of Governor Bernard to effect a change of the Constitution of the Council by giving of the last year's Council a very disadvantageous Idea, from which will be formed the Idea of the present Council which includes the same Members as the last.

This Deposition has been attended with Circumstances that appear in some degree remarkable. It was taken on the same day on which the other Depositions (or most of them) annexed to the same Pamphlet were taken, viz. the 13th of March. They all went (as seems probable) by Mr. Commissioner Robinson who sailed for England the 16th of March; and they are all published together in the same Pamphlet. Whether these circumstances are casual, or whether they indicate a mutual correspondence and communication between Persons here, with regard to the said Depositions, there do not appear any sufficient means precisely to determine.

The Secretary further represents "how cautious he was in framing the Deposition; and that he is confident he has been precise in setting down the very words used on the occasion without adding any construction of his own."

How cautious and precise the Secretary has been especially in representing what was said about the Commissioners has fully appeared above, under the article relative to them. He not only gives an imperfect account of what he has represented, but has wholly omitted all the Declarations made at Council relative to the Commissioners that they would be safe notwithstanding the Troops should be removed which has already sufficiently appeared.

The Secretary goes on to observe that the principal matter wherein the testimony of divers (or rather of all) of said Gentlemen differs from his own, appears to him to be concerning what relates to the Commissioners, with regard to which he

apprehends his Deposition is fully supported by the testimony of disinterested witnesses then present.

The Secretary here suggests that the Gentlemen of the Council are interested, and therefore that their testimony wherein it differs from that of his witnesses, whom he represents as disinterested, must be invalidated.

Seven Gentlemen of the Council have given testimony about what Mr. Tyler is represented to have said in Council concerning the Troops and Commissioners. In this matter it is evident they are wholly disinterested. What inducement then could they have to pervert the Truth? How is their testimony in this matter invalidated? They may be stiled disinterested Witnesses as properly as those produced by the Secretary; and much more so than two of them, who act under and are dependent on the Secretary for their continuance in office.

The Committee have been thus particular in this matter that the true state of it might appear; and that thereby the pernicious consequences to the Province which the Hon'ble Board apprehend the Secretary's Deposition may be attended with may be prevented.

So far as this matter stands related to the Council it appears that the Secretary's Deposition exhibits to the world a very dishonourable and injurious Idea of them by suggesting that because his draft was allowed strictly to express the truth, it would not stand well on the Council Records, and was therefore rejected by the Council. It appears also that the Secretary in a secret manner has taken Minits at Council of what was said by the members of the Council in their Debates. That he has subscribed his name to a paper containing these minits and has taken his Deposition before Foster Hutchinson, Esq., as to the truth of it: also that the said Paper and Deposition has been sent by the Lieut. Governor to Governor Bernard and that they have since been published with other Depositions annexed to a printed Pamphlet designed to defame the

Province with regard to the unhappy affair of the 5th of March.

The Conduct of the Secretary in this affair is not only a breach of trust in him and injurious to the Character and Honor of the Council, but it is destructive of all freedom of Speech and Debate and consequently a breach of Privilege—the most essential privilege belonging to the Council or that can belong to a deliberative Body.

The Committee therefore are humbly of opinion that the Honor of the Council requires that the Board should come into the following Resolutions.

1st. Resolved, that Andrew Oliver, Esq., Secretary of this Province by secretly taking minits at Council of what was said by the Members of Council in their Debates, also by signing a paper containing those minits and further by giving his Deposition to the Truth of it has in each and all these instances acted inconsistent with the Duty of his Office and thereby is guilty of a breach of Trust.

2ndly. Resolved that the said Andrew Oliver, Esq., inas much as such proceedings are destructive of all freedom of Debate, is guilty of the Breach of a most essential privilege of this Board.

3 lly. Whereas the said Andrew Oliver, Esq., has suggested in his said Deposition that because his Draft was allowed strictly to express the truth it would not stand well on the Council Records and was therefore rejected by the Council, Resolved that by such suggestions, he has injured and abused the Members composing that Council, and by so doing has reflected great dishonor on this Board.

4thly. Resolved that an attested Copy of this Report, and the Petitions and Depositions to which it relates, be sent to Mr. Agent Bollan in order that he may make the best use of them he can for the benefit of this Province.

In Council October 23d, 1770. Read and unanimously ac-

cepted, and thereupon the Board came into the following Resolutions.

1st. Unanimously Resolved that Andrew Oliver, Esq., Secretary of this Province by secretly taking minits at Council of what was said by the Members of Council in their Debates, also by signing a paper containing those Minits and further by giving his Deposition to the Truth of it thus in each and all those instances acted inconsistent with the Duty of his office, and therefore is guilty of a breach of trust.

2dly. Unanimously Resolved that the said Andrew Oliver, Esq., inasmuch as such proceedings are destructive of all freedom of debate is guilty of the breach of a most essential privilege of this Board.

2dly. Whereas the said Andrew Oliver, Esq., has suggested in his said Deposition that because his Draft was allowed strictly to express the truth, it would not stand well on the Council Records and was therefore rejected by the Council. Unanimously Resolved that by such suggestion he has injured and abused the Members composing that Council and by so doing has reflected great dishonour on this Board.

4thly. Unanimously Resolved that an attested Copy of this Report and the Petitions and Depositions to which it relates be sent to Mr. Agent Bollan in order that he may make the best use of them he can for the benefit of this Province.

JOHN COTTON, D. Secr'y.

A True Copy, Attest.

JOHN COTTON, D. Secr'y.

PETITION OF ANDREW OLIVER TO THE COUNCIL OF
MASSACHUSETTS.

PROVINCE OF THE MASSACHUSETTS BAY, 5th October, 1770.

To the hon'ble his Majesty's Council for the said Province, as a Branch of the Legislature now sitting. The humble Petition of Andrew Oliver, Esq., Sheweth,

That your Petitioner while attending his duty yesterday in the Council Chamber at Cambridge took notice of a Vote of Council passed in consequence of a Deposition signed Andrew Oliver said to have been published in England relative to the unhappy affair in Boston the 5th of March last in which Vote Eight Gentlemen of the Board who were of the Council last year were desired to draw up the State of the affair to which the said Deposition relates.

Your Petitioner begs leave to represent that the said Deposition appears by the Tenor of it to have been made merely to vindicate the Lieutenant Governor in desiring that his Majesty's Troops might be removed to Castle William after the fatal Catastrophy of that Day, by shewing the necessity he was under of conceding to it, arising from the favorable Reasons urged by the Council on that occasion, which reasons may equally serve to justify the Council in advising his honor to that measure.

That your Petitioner as holding his Commission immediately from the King who therein expresses his confidence in his Fidelity would not consider himself as acting in Breach of Trust in making said Deposition, as he was called upon by the Commander in Chief, who is the King's Representative in the Province to give a true relation of the proceedings had in Council on that Day, which his Honor has since declared in Council. And your Petitioner could have no apprehension of his betraying any of the secrets of Government, as most, if not

all the proceedings of the day were had in a more public manner than usual, divers of the King's Officers having been then present at the desire of the Governor and Council at their Debates and Resolutions in Council.

Wherefore your Petitioner humbly prays, that before the Report of the said Gentlemen is acted upon in Council, as his character may be essentially affected thereby, he may be allowed to put in a Reply, produce his Witnesses, and be heard upon the Subject, and your Petitioner shall in Duty bound ever pray, &c.

ANDREW OLIVER.

In Council 5th October, 1770. Read and ordered, That this Petition lye for the present.

JNO. COTTON, D. Sec'ry.

A true Copy from the original Petition.

Attest,

JNO. COTTON, D. Sec'ry.

PETITION OF ANDREW OLIVER TO THE COUNCIL OF
MASSACHUSETTS.

PROVINCE OF THE MASS. BAY, 16th October, 1770.

To the Hon'ble His Majesty's Council for the Province afores'd,

Humbley Sheweth, Andrew Oliver, That your Petitioner observes in the Vote of Council referred to in his Petition preferred the 5th Inst. to this Hon'ble Board as a Branch of the Legislature that he is charged with representing divers Gentlemen of the Council of the last year in a certain Deposition published in England "as having made such a Declaration to "his honor the Lieut. Governor respecting a plan formed by

“the People to remove the King’s Troops and the Commissioners of the Customs from the Town of Boston as was likely to be attended with the most pernicious consequences to this Province.”

Your Petitioner hereupon begs leave to observe to your honors that he has represented Mr. Tyler *only* as having made a Declaration of that kind, and divers other Gentlemen as only “adopting what Mr. Tyler had said by referring expressly to it “and thereupon excusing themselves from enlarging.”

Before your Petitioner attempts to explain his said Deposition he hopes he may without offence be allowed to take notice that he hath not used the words—Commissioners of the Customs—as is expressed in the Vote of Council, but—the Commissioners *only*: and he the rather takes notice of this variation because it brings fresh to his mind how cautious he was in framing his Deposition. He perfectly remembers that Mr. Tyler mentioned the Commissioners but not the Commissioners of the Customs: Your Petitioner therefore did not insert descriptive words in his Deposition.

Your Petitioner apprehends that the several positive witnesses which he has produced to prove that Mr. Tyler said the words above mentioned must be considered as undoubted evidence of the fact; but he never once pretended to say that divers other Gentlemen made such a declaration otherwise than by adopting what Mr. Tyler had said, *i. e.* by referring to it and thereupon desiring to be excused from enlarging.

He thinks he has not misunderstood the meaning of the word *adopt*. The word as he conceives in its primary signification intends—a person’s taking another’s child, as his own—From hence when one relates a Story or an historical account of Facts upon the credit of another without shewing any doubt of the truth of them, he is said to adopt the Story or account related by him; and in like manner he may be said to adopt the opinion of another when he expressly refers to it without betraying a doubt about it; he does so in a more especial

manner when he refers to such opinion for his own Government or the Government of others in point of practice. In this sense your Petitioner understood the word *adopt*. Had he said that divers other Gentlemen *confirmed* what Mr. Tyler had said, it might have been then alledged that they were charged with vouching for the truth of facts themselves, whereas the word *adopt* strictly and literally implies no more than that they supposed the truth of facts on the credit of the Relator; nor did your Petitioner ever intend anything more by it: and that upon supposition of the truth of the facts related they might found their opinion.

Your Petitioner therefore hopes his Deposition cannot be considered as containing any unjust charge against any of the Gentlemen of the Council who referred to what had been said by another Gentleman as aforesaid.

Nor did your petitioner ever apprehend that the good people of the Province in general were at all chargeable with forming any unjustifiable plan. If the Plan said to have been formed to remove the Troops and Commissioners was to have been executed in a legal and Constitutional way, they would doubtless be ready to avow it themselves. If it was to have been executed by violence such plans are usually formed by a few; and if it was formed after the Evening of the Fifth and before noon of the Sixth of March, it may well be supposed that there were very few concerned in the forming of it.

Your Petitioner never intended to convey any idea of the plan being formed prior to the Sixth of March rather than after it; he is confident that he has been precise in setting down the very words used on the occasion without adding any construction of his own.

Your Petitioner will not presume to make any other observations on the Depositions of the Gentlemen of the Council who were concerned in this business save that they are generally negative Testimonies and some of them principally argumentative. The original matter wherein the testimony of divers

of said Gentlemen differs from that of your Petitioner appears to him to be concerning what relates to the Commissioners with regard to which he apprehends his Deposition is fully supported by the testimony of disinterested Witnesses then present.

Your Petitioner drew up a memorandum of that day's proceedings without the privity of any one merely to assist his memory in future.

When he was afterwards called upon by the Lieut. Governor for his testimony concerning these matters he had this Memorandum or narrative copied without any alteration. It does not appear to have had any influence on the Measures of Government at Home as the proceedings relative to the Troops are not so much as mentioned in the Resolves of the King in Council in July last: nor has he heard of any private Letter from London mentioning the said Deposition as like to be attended with any pernicious consequences. He therefore prays that for the Reasons herein mentioned and those in his Petition on the 5th inst., this Hon'ble Board will in justice to his character order the same together with the Depositions he has adduced to be lodged on the files of this Court and take such further order for preventing any prejudice to his character on this occasion as in Equity shall seem meet. And your Petitioner shall as in Duty bound ever pray,

ANDREW OLIVER.

Oct. 16. Read in Council.

A True Copy from the Original Petition,

Attest,

JNO. COTTON, D. Secr'y.

AFFIDAVIT OF BENJAMIN CALDWELL, OCTOBER, 1770.

Benjamin Caldwell of Lawful age Deposeth—That on the 6th March last in the afternoon about 4 o'clock he went to the Council by desire of Col. Dalrymple, and in the Debates there heard Mr. Tyler say to the following effect—That the People in the Town were so exasperated against the King's Troops that nothing but a total and immediate removal of them would be satisfactory—That there was then in town meeting upwards of 3000 People—that there would be before next evening ten thous'd more from the Country.—That the Troops could by no means remain in Town with any degree of safety, and if they were not immediately removed the People would take to their arms and destroy them—Should it be deemed Rebellion or occasion the loss of the Charter—That a plan was fixed to have them and the Commissioners removed, and that the Plan was not formed by such People as formerly destroyed the Lieutenant Governor's House, but by Persons of the first Consequence and Estates in the Country and men of Religion. The several other Gentlemen of the Council adopted what Mr. Tyler had said and excused themselves from enlarging,
and further saith not

BEN. CALDWELL.

Ques. What do you mean when you say "that several Gentlemen of the Council adopted what Mr. Tyler had said?"

Ans. I mean that they appeared to agree with him by not contradicting anything he had said.

Middlesex, SS, Cambridge, Oct. 1770. Benjamin Caldwell, Esq., made oath to the Truth of the foregoing Deposition by him subscribed in perpetuam rei memoriam; and being interrogated on Oath to the Question subsequent to said Deposition

made the answer subjoined. Andrew Oliver, Esq., (at whose request said Deposition was taken) and Samuel Danforth, John Erving, Thomas Hubbard, Harrison Gray, James Russell, Royal Tyler, James Pitts, and Samuel Dexter, Esq's, being notified were present at the Caption.

Before us,

JOSEPH LEE,

WM. KNEELAND,

Just. Pacis Quorum unus.

A true Copy.

WM. KNEELAND.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES OF
MASSACHUSETTS.

IN THE HOUSE OF REPRESENTATIVES, Oct. 17, 1770.

The present critical situation of the public affairs now depending in Great Britain, wherein this province in general and this House in particular are concerned, requiring that some gentleman of ability and Integrity should be employed as Agent for this House to transact such matters as may be committed to his care. Therefore Voted That the House will proceed to the Choice of an Agent on Wednesday next at 3 o'clock P. M.

THOMAS CUSHING, Speaker.

IN THE HOUSE OF REPRESENTATIVES, Oct. 24, 1770.

Wednesday, 3 o'clock P. M.

The House according to order proceeded to the choice of an Agent: and upon sorting and counting the Votes it appeared that Dr. Benjamin Franklin was chose by a majority. It was then moved and thereupon, Resolved that Dr. Benjamin Frank-

lin be and hereby is appointed and authorized on behalf of this House, to appear before His Majesty in Council, in the several Houses of Parliament, and at any other Board whatsoever in Great Britain, there to plead and defend as the exigency of the case and the service of the Province may require, for the space of one year, agreeable to such Directions or Instructions as from time to time he may receive from the House (or some such Committee as may be by them authorized and appointed for that Purpose) entirely relying on his Vigilance and the exertion of his utmost Endeavours to support the Constitutional Rights of this House and of the Province, and to guard against and (as far as in him lies) to obviate whatever may have a tendency to prejudice the same.

THOMAS CUSHING, Speaker.

LETTER FROM THOMAS CUSHING, SPEAKER, TO BENJAMIN FRANKLIN.

PROVINCE OF THE MASSACHUSETTS BAY, Oct. 31, 1770.

SIR :

In Pursuance of the directions of the House of Representatives of His Majesty's Province, I have the pleasure to inform you that they have made choice of you as their Agent in Great Britain for the purpose mentioned in the vote which I now transmit to you. I am directed also to acquaint you that the House will write you more fully by the next conveyance and will then furnish you with such Instructions or directions as may be necessary, entirely confiding in your Ability, Fidelity and Zeal in Execution of the Trust committed to you.

I am with great esteem,

Your most humble Serv't,

THOMAS CUSHING, Speaker.

BENJAMIN FRANKLIN, Esq.

LETTER FROM THOMAS CUSHING, SPEAKER, TO BENJAMIN FRANKLIN.

PROVINCE OF THE MASSACHUSETTS BAY, November 6, 1770.

SIR:

The House of Representatives of this His Majesty's Province, having made choice of you to appear for them at the Court of Great Britain, as there may be occasion; it is necessary that you be well informed of the state and circumstances of the Province, and the Grievances it labors under, the Redress of which will require your utmost attention and application.

You are sensible that the British Parliament has of late years thought proper to raise a Revenue in America without our consent, by Divers Laws made expressly for that purpose; and to dispose of the moneys, for the Administration of Justice and the Defence of the Colonies: The Reasons and Grounds of our Complaint against these Acts, are so well known and understood by you, that it is needless for us to mention them at this time.

The measures which have been taken by the American Assemblies, to obtain the Repeal of these Acts, though altogether consistent with the Constitution, and clearly within the bounds of the Subjects' Rights have been nevertheless disgusting to Administration at home, to whom we have been constantly represented by servants of the Crown, and others on this side the Water, in the most disagreeable and odious light.

Whether this Province has been considered as having a lead among the other Colonies which they have never affected: or whether it is because Governor Bernard, the Commissioners of the Customs and others who have discovered themselves peculiarly inimical to the Colonies have had their residence here, certain it is that the Resentment of Government at Home has been particularly pointed against this Province. For it is notorious that we have been charged with taking inflammatory

measures tending to create unwarrantable combinations, to excite an unjustifiable opposition to the Constitutional Authority of Parliament and revive unhappy Divisions among the Colonies, and we have frequently been censured as disobedient to Government for parts of conduct taken by us, in no wise dissimilar to those which have been taken by other Colonies, without the least censure or observation.

While Administration appeared to have conceived undue Prejudice against us, our enemies here have not failed to take every measure to increase those prejudices and particularly by representing to the King's Ministers that a spirit of Faction had so greatly and universally prevailed among us, as that Government could not be supported and it was unsafe for the officers of the Crown to live in the Province and execute their Trust, without the protection of a Military Force. Such a force they at length obtained: the consequence of which was a scene of Confusion and Distress for the space of Seventeen Months, which ended in the Blood and Slaughter of his Majesty's good subjects.

It was peculiarly mortifying to us, to see the whole system of civil Authority in the Province yielding to this most dangerous Power, and at the same time, when the Interposition of the civil Magistrate was of the most pressing necessity, to check the wanton and bloody career of the Military, the Lieutenant Governor himself declared, as Governor Bernard had before, that "He had no Authority over the King's Troops in the Province" and his Majesty's representative in Council became an humble suppliant for their removal out of the Town of Boston. What would be the feeling of the subjects in Great Britain if contrary to *their* Bill of Rights, and indeed to every Principle of civil Government, soldiers were posted even in their Capital without the consent of their Parliament and yet the subjects of the same Prince in America, who are entitled to the same Freedom, are compelled to submit to as great a Military Power as Administration shall be pleased to order, to be posted

among them in a time of profound Peace without the consent of their Assemblies, and his Military Power is allowed to trample upon the Law of the land, the common security, without Restraint; such an instance of absolute, uncontrolled military Tyranny must needs be alarming to those, who have before in some measure enjoyed and are still entitled to the blessings of a free civil Government, having never forfeited the character of loyal Subjects.

After the fatal Tragedy of the 5th of March last, the Regiments under the command of Lt. Colonel Dalrymple were removed from the Town of Boston, to the Barracks on Castle Island, in consequence of a Petition of the Town to the Lt. Governor and his *Prayer* to the Colonel, since which in Pursuance of Instruction to the Lt. Governor, the Garrison then in the Bay of the Province has been withdrawn, and a Garrison of his Majesty's Regular Troops placed in their stead and by the inclosed Affidavits* it appears that merely in obedience to Instructions the Lieutenant Governor has made an absolute surrender of the Fortress to Colonel Dalrymple; and although the surrender was made by him ostensibly as Lieutenant Governor, yet even the show that was made of the Authority of the Governor served only to make the surrender the more solemn and effectual; the Governor by Charter has the Right of committing the Custody and Government of the Fortress to such person or Persons as to him shall seem meet. But he has given up this Right to Colonel Dalrymple by vesting him with the Power of garrisoning the Fortress with such Person or Persons as to *him* shall seem meet, and so far forth he has in an instance of the greatest importance divested himself of the Government of this Province.

We cannot help observing upon this occasion that the Instructions which have of late been given to the Governor, some of them at least have directly militated, as in the present

* Capt. Phillips and Mr. Hall.

instance, with the Charter of the Province: and these Instructions are not always adapted to promote his Majesty's Service, or the good of the People, within this Province, but often appear to be solely calculated to further and execute the measures and enforce the Laws of a different state, by which means his Majesty's Colonies may be entirely subjected to the absolute will of his other subjects in Great Britain, for which there can be no pretence of Right but what is founded in mere Force.

By virtue of such positive Instructions, the General Assembly of the Province has been removed from its ancient established and only convenient seat in Boston, and is still obliged to hold its session at Harvard College in Cambridge, to the great inconvenience of the Members and Injury of the People, as well as Detriment of that Seminary of Learning without any Reason that can be assigned but will and Pleasure, and thus the Prerogative of the King, which is a Trust reposed in him, to be improved only for the welfare of his Subjects is perverted to their manifest Injury.

And what is still more grievous is that the Governor of the Province, is absolutely inhibited, as we are told, from laying before the Assembly any Instructions which he receives even such as carry in them the evident marks of his Majesty's displeasure, by which means the House of Representatives cannot have it in their power to obtain here that precise knowledge of the Grounds of our Sovereign's displeasure, which they are in reason and Justice entitled to, nor can the ministry be made responsible for any measure they may advise to in order to introduce and establish an illegal and arbitrary Government over his Majesty's Subjects in the Colonies.

We have an instance of this Kind now before us, The Lieutenant Governor of the Province having in his speech at the opening of this session given a dark hint of something intended against the Province, and when the House of Representatives earnestly desired him to explain it that they might have a clear

understanding of what was intended therein, he declared, as he had before done in other like cases, that he was not at liberty to make public or to communicate to them by speech or message an order of his Majesty in Council which he had received, although in consequence thereof the state of the Province was to be laid before Parliament, and yet extraordinary as it may appear, he at the same time by a message declared, that although he was not at Liberty to lay the order before the House, he was very ready to give all the information in his power to any Committee they might think proper to appoint of the facts and grounds upon which it was founded so far as should be consistent with his Instructions.

By such conduct in the ministry it appears, that we again may be accused and censured by Parliament, as we have heretofore been, and perhaps suffer the greatest injury without knowing our accusers, or the matters that may be alledged against us.

* At the same time, by an order of Parliament that the names of Persons giving Intelligence to ministry, which may at any time be laid before Parliament, shall be made secret even to the members themselves, the greatest encouragement is given to Persons inimical to the Province, to send home false relations of Speeches and Proceedings, in public Assemblies and elsewhere containing injurious charges upon Individuals as well as public Bodies, some of which have been transmitted home under the seal of the Province, without the least notice given to these bodies, or to any but the few in the secret to attend and cross-examine such witnesses. And thus even the Parliament itself may be mislead into measures, highly injurious and destructive to the Province, by the Calumny and Detraction of those who are not and cannot be known, and whose Falsehoods therefore cannot be detected. So wretched is the state of this Province, not only to be subject to absolute Instructions given to the Governor to be the will of his Administration, whereby some of the most essential clauses of our

charter vesting in him Powers to be exercised for the good of the People are totally rescinded, which is in reality a state of Despotism, but also to a standing Army which being uncontrolled by any Authority in the Province must soon tear up the very foundation of civil Government.

Moreover we have the highest reason for Complaint that since the late Parliamentary Regulations of the Colonies, the Jurisdiction of the Court of Admiralty has been extended to so enormous a length, as itself to threaten the very being of the Constitution. By the Statute of 4 Geo. 3: Chap 15; All Forfeitures and Penalties inflicted by this or any other Act relating to the Trade and Revenue of the British Colonies and Plantations in America which shall be incurred there may be prosecuted, sued for and recovered in any Courts of Admiralty in the said Colonies. Thus a single Judge, Independant of the People, and in a civil Law Court, is to try these extraordinary Forfeitures and Penalties without a Jury; Whereas the same Statute provides that all Penalties and Forfeitures which shall be incurred in Great Britain, shall be prosecuted, sued for and recovered in any of his Majesty's Courts of Record in Westminster or in the Court of Exchequer in Scotland respectively. Here is the most unreasonable and unjust distinction made between the Subjects in Britain and America, as though it were designed to exclude us from the least share in that clause of Magna Charta, which has for many Centuries been the noblest Bulwark of the English Liberties, and which cannot be too often repeated. "No Freeman shall be taken, or imprisoned or deprived of his Freehold or Liberties, or free Customs, or be outlawed, or exiled, or any otherwise destroyed, nor will we pass upon him, nor condemn him but by the judgment of his Peers or the Law of the Land."

These are some of the Insupportable Grievances which this Province has long been labouring under, and which still remain altogether unredressed: For although they have been set forth in the clearest manner by humble Petitions to the

Throne, yet such an ascendancy over us have the officers of the Crown here in the minds of Administration that our Complaints are scarcely heard, our very Petitions are deemed factious and instead of obtaining any relief our oppressions have been more aggravated and we have reason to apprehend will still be increased.

For by the best Intelligence from England we are under strong apprehensions that by virtue of an Act of Parliament of 7 Geo. 3, which empowers his Majesty to appropriate a part of the Revenues raised in America for the support of Government and the Administration of Justice in such Colonies where he shall judge it necessary, Administration is determined to bestow large Salaries upon the Attorney General, Judges, and Governor of this Province: Whereby they will be made not only altogether independent upon the People, but wholly dependent upon the Ministry for their support. These appointments will be justly obnoxious to the other Colonies and tend to beget and keep up a perpetual Discontent among them. For they will deem it unjust as well as unnecessary to be obliged to bear a part of the Support of Government in this Province, when it is now as it always has been amply and honorably supported by the People here. And the making those Officers thus independent will be to introduce into this Province an arbitrary Administration in the State and even in the Courts of Law, especially if Designs are also meditating to make other very important Alterations in our Charter by appointing the Council from Home, whereby the Executive will be rendered Absolute and the Legislature totally ineffectual to any valuable purpose. The Assembly is in all Reason sufficiently dependent already upon the Crown: One Branch Annually for its Being as it is subject to the negative of the Governor, and both Branches for every Grant and appropriation of their Money and also for their whole defence and security; as he is Captain General and has by Charter the sole Military Command, within the Province. All civil Officers are either nominated and ap-

pointed by him with the advice and consent of his Majesty's Council, or if elected they are subject to his negative, and our Laws after being consented to by his Majesty's Governor are by the first opportunity from the making thereof to be transmitted to his Majesty for his Approbation or Disallowance. Three years they are subject to the Revision of the Crown Lawyers in Britain, who may always be Strangers to our Internal Polity, and sometimes disaffected to us, and at any time within the Three years his Majesty in his Privy Council may if he thinks proper reject them, and then they become utterly void. Surely the Parliament cannot even wish for greater checks, both upon the Legislative and Executive of a Colony, unless we are to be considered as Bastards and not Sons. A step further will reduce us to an absolute subjection. If Administration is resolved to continue such measures of severity, the Colonies will in time consider the Mother State as utterly regardless of their Welfare. Repeated Acts of unkindness on one side, may by degrees abate the warmth of affection on the other, and a total alienation may succeed to that happy Union, Harmony and Confidence which had before always subsisted, and we sincerely wish may always subsist. If Great Britain instead of treating us as their Fellow Subjects shall aim at making us their vassals and slaves, the consequences will be that altho' our Merchants have receded from their non-importation agreement, yet the Body of the People will vigorously endeavor to become independent on the Mother Country for their supplies, and sooner than she may be aware of it, may manufacture for themselves. The Colonies like healthy young sons have hitherto been cheerfully building up the Parent state, and how far Great Britain will be affected, if they should be rendered even barely useless to her is an object which we conceive is at this very Juncture worth the Attention of a British Parliament.

Enclosed are the proceedings of his Majesty's Council of this Province upon an Affidavit of Mr. Secretary Oliver, which this

House apprehend has a Tendency to make a very undue impression on the minds of his Majesty's Ministers and others respecting the Temper and Disposition of the People, previous to the tragical Transaction of the Town of Boston on the 5th of March last. You are therefore desired so to improve them as to prevent such unhappy consequences from taking effect.

Your own acquaintance with this Province, and your well known warm attachment to it, will lead you to exert all your Powers in its defence; and as the Council have made choice of Mr. Bollan for their Agent, you will no doubt confer with him, and concert such measures as will promote our common Interest. Your Abilities we greatly confide in, but if you shall think it for the Advantage of the Province to consult with and employ Council learned in the Law, the Importance of your Agency will be a motive sufficient for us to acquiesce in such expence, on that account, as your own judgment shall dictate to you to be necessary.

In the name and by order of the House,

I am, with Respect,

Your most humble Serv't,

THOMAS CUSHING, Speaker.

To BENJAMIN FRANKLIN, Esq.

P. S. The House have made choice of Dr. Lee as their Agent in case of your Death or absence from Great Britain.

PROCEEDINGS OF THE MASSACHUSETTS HOUSE OF REPRESENTATIVES.

IN THE HOUSE OF REPRESENTATIVES, February 1774.

Whereas it appears to this House, by a writing under the Hand of the Hon'ble Peter Oliver, Esq., the Chief Justice of the Superior Court of Judicature, Court of Assize and General

Gaol Delivery, over this Province, a Court wholly erected and constituted by the Great and General Court of Assembly of the Same Province by a Power granted to the said General Court by the Royal Charter, that the said Peter Oliver, Esq., declining any more to take and receive the Grants of the General Assembly of this Province, for his Services as Chief Justice of the said Superior Court, hath, contrary to the usage and custom of the Justices of the said Court, ever since the erecting and constituting of the same invariably used and approved; and contrary to the plain sense and meaning of the said Royal Charter; and against the known Constitution of this Province, accepted received and taken a Salary and Reward granted him by his Majesty, for his services as Chief Justice of the said Superior Court, from the Fifth day of July 1772 to the Fifth day of January 1774: And that he hath also plainly given this House to understand by the same writing, under his hand, his Resolution for the future to accept the salary and Reward, which he affirms is granted to him by his Majesty, during his residence in the Province, as Chief Justice of the said Superior Court.

And whereas it appears to this House that the said Peter Oliver, Esq., hath received the said Salary and Reward, out of the Revenue unjustly and unconstitutionally levied and extorted from the Inhabitants of the American Colonies:

And whereas the said Peter Oliver, Esq., hath perversely and corruptly done as aforesaid, against the known sense of the Body of the People of this Province, most fully and expressly declared in the several Resolutions of divers Houses of Representatives, and otherwise.

Therefore Resolved, That the said Peter Oliver, Esq., hath by his conduct as aforesaid, proved himself an Enemy to the Constitution of this Province, that he has done that which hath an obvious and direct tendency to the perversion of Law and Justice in the said Court, and is become justly obnoxious to the good people of this Province.

Resolved, That the said Peter Oliver, Esq., hath by his Conduct as aforesaid rendered himself totally disqualified any longer to hold and act in the office of a Justice of the said Court, and ought forthwith to be removed therefrom.

Resolved, That this House will remonstrate to his Excellency the Governor and Council of this Province, the said Conduct of the said Peter Oliver, Esq., praying that he may not be suffered any more to sit and act in his office of Chief Justice of said court; and that he may forthwith and without any delay be removed therefrom.

PETITION OF THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS
TO THE GOVERNOR.

PROVINCE OF THE MASSACHUSETTS BAY, [February 12, 1774.]

TO HIS EXCELLENCY THE GOVERNOR:

The House of Representatives being still deeply impressed with a sense of the Importance and necessity of Removing Peter Oliver, Esq., Chief Justice of the Superior Court, now wait on your Excellency with this repeated Petition, to which we hope your Excellency will not give a Denial, and pray that your Excellency would be pleased to take our Remonstrance and Petition to the Governor and Council of the 12th Instant into your further consideration; and although your Excellency has signified to this House that you shall not take any steps for the Removal of the Chief Justice from his Place, yet as it is in the Judgment of this House a matter of the most weighty concernment to this Province, We pray that your Excellency would please take the advice of his Majesty's Council thereon. We do with the greatest Propriety urge this matter, as we find in the Royal Charter that the principal End of the Institution of the Council is to be advising and assisting to the Governor in ordering and directing the affairs of the

Province, and that they are expressly appointed for that very end, and your Excellency's determining on this matter by yourself, would be to order and direct one of the most Important affairs of this Province without the advice and assistance of the Council, and contrary to the most evident design of the Charter.

We do assure your Excellency that the "written paper" which you are pleased in your Message of yesterday to say, "purported a Remonstrance against Peter Oliver, Esq.," was in truth, the Remonstrance and Petition of this House, passed after the most mature deliberation, by a very great majority in a very full House.

Your Excellency will please to consider that this House is well knowing to the general sense of their Constituents in this matter: and we can assure you, that the continuance of the Chief Justice in his Place, will increase the uneasiness of the People without Doors and endanger the public tranquility.

We therefore earnestly intreat your Excellency that while we are in this Instance "employing the powers with which we are intrusted in promoting the tranquility and good order of the Government," we may agreeable to your declaration in your Speech to both Houses find that you are ready to give your consent to a request of the House intended for that and other great and Important Purposes; and that your Excellency will immediately take every step for the Removal of the Chief Justice from the Superior Court.

IN THE HOUSE OF REPRESENTATIVES, February 16th, 1774.

Ordered That Mr. Hancock, Mr. Phillips, Major Hawley, Captain Greenleaf, and Mr. Allen, be a Committee to carry up the following Message to the Honorable Board, viz:

May it please the Honorable Board,

The House of Representatives beg leave to acquaint the Honorable Board that Peter Oliver, Esq., Chief Justice of the

Superior Court of Judicature over the Province, declining any more to accept and receive the Grants of this Assembly for his services as Justice of the said Court, hath contrary to the known Constitution of the Province, and the invariable usage and Custom of said Court, accepted and received a Salary and Reward granted to him by his Majesty for his said service from the 5th of July 1772 to the 5th of January 1774: which Salary and Reward he hath taken and received, as has been fully made to appear to this House, out of the Revenue unjustly and unconstitutionally levied and extorted from the Inhabitants of the American Colonies. And the said Peter Oliver, Esq., hath also given this House clearly to understand by a writing under his hand, a true copy of which, together with Certain Resolutions of this House thereupon will be laid on the Council Table, that he is determined for the future to accept the Salary and Reward, which he affirms is granted to him by his Majesty during his Residence in the Province as Chief Justice of the said Superior Court.

The House would further acquaint the Honorable Board, that they did on the 12th of this Instant February, pass a Remonstrance and Petition to his Excellency the Governor and Council, setting forth that the said Peter Oliver, Esq., by his conduct as aforesaid acting against the known sense of the Body of the People of this Province, most fully and expressly declared in the several Resolutions of divers Houses of Representatives and otherwise had detached himself totally from his Connections with them, and lost their confidence and praying that he might not be suffered any longer to sit and act in the office of Chief Justice of the said Superior Court; but that he might forthwith be removed therefrom; which Remonstrance and Petition the House did on the same day specially charge the Secretary to deliver to the Governor without delay.

The Honorable Board will please further to be informed that his Excellency by his Message of yesterday acknowledged that the said Petition and Remonstrance had been laid before him,

and expressly declared to this House that "He was obliged in Duty to the King to decline their Request" and also signified to the House that he should not take any step for the Removal of the said Chief Justice on that account. A Copy of said Remonstrance and Petition with his Excellency's said Message will also be laid upon the Council Table.

Now this House having after the most mature Deliberation judged the matter afore mentioned to be of the most weighty Importance to this Province, do think themselves Bound in Duty to their Constituents, thus explicitly to represent them to the Honorable Board, that the Honorable Board may duly advise thereon, and act and determine as in their own Wisdom they shall think proper.

MESSAGE FROM THE GOVERNOR OF MASSACHUSETTS TO THE HOUSE
OF REPRESENTATIVES.

[Feb. 22, 1774.]

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

In my answer to your Address which you directed the Secretary to deliver to me, I acquainted you that to comply with your Request would be to counteract the King in a matter upon which his Majesty's Pleasure had been expressly signified to me, and therefore, I was obliged to decline it.

In a second address presented by your Speaker, the House attending, you desire me to take your Remonstrance into my further consideration, and also to take the advice of His Majesty's Council thereon, of whose Institution you say it was the principal End to be advising and assisting to the Governor in ordering and directing the affairs of the Province, and you add that my determining on the matter myself would be to order and direct one of the most important affairs of the Province

without the advice and assistance of the Council and contrary to the most evident Design of the Charter.

You have taken particular Parts or Clauses of the Charter abstracted from other Parts or Clauses which relate to them and which are intended to qualify and explain them and in this way you are enabled to represent the Constitution very different from what it has always been understood to me.

You have passed over that Clause in the Charter which authorizes the Governor to Assemble and call together the Council from time to time at his discretion, and likewise another Clause reserving a negative voice to the Governor as well in Council as in the General Assembly, and declaring that no Acts of Government whatsoever either of the Council or Assembly shall be valid without his consent.

I am very sensible that besides those Acts of Government which the Charter authorizes the Governor to do by himself, there are others which are to be done by the advice and consent of the Council; and for the Purpose of the last mentioned Act, the Governor is authorized, from time to time, at his discretion, to Assemble the Council, and no other provision is made in the Charter for Assembling or calling them together. It cannot be denied that the Governor may be requested to Assemble the Council in order to the laying before them matters of such a nature, as that merely agitating them in Council would derogate from the Honor of the King, and suffering a question to be put upon them would render the Governor highly culpable. Surely the Governor has a discretionary Power to refuse to Assemble the Council upon such a request, otherwise the Clause in the Charter must be altogether nugatory and can have no force nor effect, in any case whatsoever.

There is a fallacy in your reasoning, and you give a specious appearance to it by avoiding the Distinction between the Governor's doing an act of Government without the Advice of Council and his declining to Assemble the Council in order to their Advice upon an Act the subject matter whereof according

to his best Discretion, ought not to be made a Question of, or come into Debate.

That I may give you a full and, I hope, satisfactory answer to your Address I must repeat to you, what I have had occasion to mention to former Houses of Representatives—that I am the Servant of the King—that I have received no Instructions nor any significations of his Majesty's pleasure which are not perfectly consistent with your Charter and which his Majesty hath not an indisputable Authority to give—that such Instructions or Significations of his Majesty's Pleasure are, by my Commission, the Rule of my Administration and to depart from them would be a Breach of the Trust which his Majesty has reposed in me.

I am nevertheless urged by you to bring this Question, in effect, before his Majesty's Council, whether I shall or shall not conform to his Majesty's Pleasure expressly signified to me, and take their Advice upon it. Taking the Advice of His Majesty's Council is an equivocal Expression. If by taking the Advice you intend no more than consulting or advising with them, in order to collect their opinion, this would be trifling with the Council, as well as bringing before them an improper Subject of Debate, because they would give their advice to no purpose seeing I am not at liberty, if they advise to it, to disobey the King's Commands. If by taking their Advice you intend complying with it, though it should be contrary to my own sense of my Duty to the King, this would be giving up the Power of a Negative granted or reserved to me, by the Charter; for if I do not use the Power to avoid a Breach of a special express Trust reposed in me by the King, I know of no case in which I ought to do it. In either sense of the word I am not at liberty to comply with your Request.

In a mixed Government a conformity of sentiment in all the Parts of it, upon every measure, is not to be expected. Every Part may notwithstanding claim a right to Freedom of Judgment in the exercise of the Powers assigned to it by the Con-

stitution. The House of Representatives, by long usage, is in possession of the Power of originating all Grants of the Estate of the Province, whether in Lands or money. I have often thought the Grants made by former Houses much short of an Equivalent to the services which they were intended to compensate, I have never urged enlarging them contrary to the free judgment of the House. The Power of Assembling the Council in order to their Advice, is by Charter as well as uninterrupted usage, in the Governor. I have a right to equal Freedom of Judgment in the Exercise of this Power.

If I persist in an erroneous Judgment, upon your humble Representations to his Majesty, and making the error to appear, you may be sure of Redress; but until I am convinced of my Error I may not voluntarily depart from my own Judgment or Discretion and govern myself by the Discretion of the House of Representatives, for I shall then be justly chargeable with subverting a material Part of the Constitution.

T. HUTCHINSON.

PROVINCE HOUSE, 22d February, 1774.

MESSAGE FROM THE GOVERNOR OF MASSACHUSETTS TO THE HOUSE
OF REPRESENTATIVES.

[February 26, 1774.]

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES:

By your Message of yesterday you informed me that you had resolved to impeach Peter Oliver, Esq., Chief Justice of the Superior Court, &c., before the Governor and Council, of High crimes and misdemeanors, and that you had prepared Articles of Impeachment, and you prayed that I would be in the Chair that you might then have an opportunity of laying them before the Governor and Council.

I know of no species of High Crimes and misdemeanors nor any offence against the Law committed within this Province, let the Rank or Condition of the Offender be what it may, which is not cognizable by some Judicatory or Judicatories, and I do not know that the Governor and Council have a concurrent Jurisdiction with any Judicatory in Criminal Cases, or any Authority to try and determine any species of High Crimes and misdemeanors whatsoever.

If I should assume a Jurisdiction and with the Council try offenders against the Law without Authority granted by the Charter or by a Law of the Province in pursuance of the Charter I should make myself liable to answer before a Judicatory which would have cognizance of my offence, and his Majesty's Subjects would have just cause to complain of being deprived of a Trial by Jury, the general claim of Englishmen except in those cases where the Law may have made special Provisions to the contrary.

Whilst such Process as you have attempted to commence shall appear to me to be unconstitutional, I cannot show any countenance to it.

T. HUTCHINSON.

MILTON, 26th Febr'y, 1774.

LETTER FROM SAMUEL ADAMS AND OTHERS TO BENJAMIN FRANKLIN.

Boston, March 31, 1774.

SIR:

By the inclosed Papers you will observe the proceedings of the two Houses of Assembly in the late session with regard to the Justices of the Superior Court. The conduct of Administration in advising an annual Grant of the Crown to the Governor and the Judges whereby they are rendered absolutely dependent on the Crown for their being and support, had justly

and very thoroughly alarmed the apprehensions of the people. They clearly saw that this measure would complete the Tragedy of American Freedom, for they could conceive of no state of slavery more perfect, than for a Parliament in which they could have no voice to claim a power of making Laws to bind them in all cases whatever, and to exercise that assumed Power in taking their money from them and appropriating it for the support of Judges who are to execute such laws as that parliament should see fit to make binding upon them, and a Fleet and Army to enforce their subjection to them. No discerning Minister could expect that a people who had not entirely lost the Spirit and Feeling of that Liberty wherewith they had before been made free, would tamely and without a struggle submit to be thus disgraced and enslaved by the most powerful and haughty Nation on Earth. They heard with astonishment that his Majesty, *their own sovereign* as well as the sovereign of Britain, had been advised by his servants to signify his displeasure at the decent temperate and humble Petitions of their Representatives, for the redress of this intolerable Grievance merely because they held up principles founded in nature, and confirmed to British Subjects by the British Constitution, and to the subjects in this Province by a sacred charter granted to the Inhabitants by his illustrious predecessors for themselves their Heirs and successors forever. They regretted that the Influence of the good Lord Dartmouth upon whose exertions they had placed a confidence could not prevail to gain the Royal attention to their just Complaints being assured that could his Majesty be truly informed, that the express intention of the Royal Charter was to establish and confirm to his subjects in this Province all the liberties of his natural born subjects within the Realm, to all Intents, Purposes and Constructions whatsoever, they should soon rejoice in the full redress of their Grievances and that he would revoke his Grants to his Governor and Judges and leave the Assembly to support his Governor in the Province in the way and manner prescribed in the Charter

according to ancient and uninterrupted usage and conformable to the true spirit of the British Constitution.

The People however forbore to take any extraordinary Measures for the Removal of this dangerous innovation, and trusted to the Prudence and fortitude of their Representatives by whose Influence four of the Judges have been prevailed upon to renounce the Grants of the Crown to declare their Resolution to depend upon the Grants of the Assembly for their future services. The Chief Justice has acted a different part. The House of Representatives have addressed the Governor and Council to remove him from his Office; they have impeached him of High Crimes and misdemeanors, the Governor has refused, even though requested by the Council, to appoint a time to determine on the matter, and finally the House have Resolved that they have done all in their Power in their capacity to effect his removal and that the Governor's refusal was presumed to be because he received *his* support from the Crown.

As the Papers inclosed contain so fully the Sentiments of the two Houses concerning this important matter, it is needless to make any observations thereon. The Assembly is prorogued and it is expected will soon be Dissolved. Doubtless the People who in general are greatly agitated with the conduct of the Governor, will *at least* speculate very freely upon a subject so interesting to them. They see with resentment the effect of the Governor's independency, That he is resolved to save a favorite (with whom he has a connection by the intermarriage of their children) and therein to set a precedent for future Independent Governors to establish any corrupt officers against the remonstrances of the Representative Body. They despair of any Constitutional remedy, while the Governor of the Province is thus dependant upon Ministers of State against the most flagrant oppressions of a corrupt Officer. They take it for certain that *such* a Governor will forever screen the conduct of *such* an officer from examination and prevent his removal, if

he has reason to think it is expected he should so do by those upon whose favor he depends. On the other hand his Majesty's Ministers, unless they are blinded by the plausible Colourings of designing men may see, that by the present measures the People are provoked and irritated to such a degree, that it is not in the Power of a Governor (whom they look upon as a mere Instrument of Power) though born and educated in the Country, and for a long time possessed of a great share of the confidence and affections of the People now to carry a single point which they the ministers can recommend to him. And this will always be the case let who will be Governor while by being made totally dependent on the Crown or perhaps more strictly speaking upon the Ministry, he is thus aliened from the People for whose good he is and ought to be appointed. In such a state what is to be expected but warm and angry Debates between the Governor and the two Houses (while the Assembly is sitting instead of the joint consultation for the public Welfare) and violent commotions among the People? It will be in vain for any to expect that the people of this Country will now be contented with a partial and temporary relief, or that they will be amused by Court promises while they see not the least relaxation of Grievances. By the vigilance and activity of Committees of Correspondence among the several towns in this Province they have been wonderfully enlightened and animated. They are united in sentiment and their opposition to unconstitutional Measures of Government is become systematical, Colony communicates freely with Colony. There is a common Affection [a line lost]

whole continent is now become united in sentiment and in opposition to tyranny. Their old good will and affection for the Parent Country is not however lost, if she returns to her former moderation and good humor their affection will revive. They wish for nothing more than permanent union with her upon the condition of equal liberty. This is all they have been contending for and nothing short of this will or ought to

satisfy them. When formerly the Kings of England have encroached upon the Liberties of their Subjects, the subjects have thought it their Duty to themselves and their Posterity to contend with them till they were restored to the footing of the Constitution. The events of such struggles have sometimes proved fatal to Crowned Heads—perhaps they have never issued but Establishments of the People's Liberties. In those times it was not thought reasonable to say, that since the King had claimed such or such a Power the People *must* yield it to him because it would not be for the Honor of his Majesty to recede from his Claim. If the People of Britain must needs flatter themselves that they collectively are the Sovereign of America, America will never consent that they should govern them arbitrarily, or without known and stipulated Rules. But the matter is not so considered here: Britain and the Colonies are considered as distinct Governments under the King. Britain has a Constitution the envy of all Foreigners, to which it has ever been the safety as well of Kings as of subjects steadfastly to adhere. Each Colony has also a Constitution in its Charter or other Institution of Government; all of which agree in this that the fundamental Laws of the British Constitution shall be the Basis. That Constitution by no means admits of Legislation without representation. Why then should the Parliament of Britain which notwithstanding all its Ideas of transcendant Power must forever be circumscribed within the limits of that Constitution, insist upon the right of legislation for the People of America without their having Representation there? I cannot be justified by their own Constitution. The Laws of Nature and Reason abhor it; yet because she has claimed such a Power, her Honor truly is concerned still to assert and exercise it, and she may not recede. Will such kind of reasoning bear the test of Examination! Or rather will it not be an eternal disgrace to any nation which considers her Honor concerned to employ Fleets and Armies for the Support of a claim which she cannot in Reason defend, merely because she has once

in anger made such a Claim? It is the misfortune of Britain and the Colonies that flagitious Men on both sides the Water have made it their Interest to foment divisions, Jealousies, and animosities between them, which perhaps will never subside until the Extent of Power and Right on each part is more explicitly stipulated than has ever yet been thought necessary, and although such a stipulation should prove a lasting advantage on each side, yet considering that the views and designs of those men were to do infinite mischief and to establish a Tyranny upon the Ruins of a free constitution they deserve the vengeance of the public, and till the memory of them shall be erased by time they will most assuredly meet with the execrations of Posterity.

Our Lieutenant Governor Oliver is now Dead. This Event affords the Governor a Plea for postponing his voyage to England till further orders. Had the Government by the absence of *both* devolved on the Council, his Majesty's service (which has been frequently pleaded to give a Colouring to measures destructive of the true Interests of his Subjects) would, we are persuaded, have been really promoted. Among other things the Grants of the House which in the late session were repeated for the services of our Agents would have passed. There is a degree of Insult in the Governor's refusal of his consent to those Grants, for as his refusal is grounded upon the Hopes that our Friends will thereby be discouraged from further serving us, it is as much as to say that there shall be no Agents unless the Assembly will be content with such as he shall prescribe for their choice. The House by a Message urged the Governor to enable them to do their Agents Justice but in vain. This and other instances serve to show that the Powers vested in the Governor are exercised to injure and provoke the People.

We judge it to be the expectation of the House of Representatives that you should warmly solicit the Earl of Dartmouth for his Interest that as well as other instructions which

are grievous to us, more particularly those which relate to the disposition of our public———that which restrains the Governor from consenting———to the Agents may be recalled. And his Lordship ought to consider his Interest in this particular not as a *personal* favor done to you but as a piece of Justice done to the Province; and in the same light we strongly recommend it to your own Consideration especially as we hope for a change in the Government.

We now write to you by the direction of the House of Representatives to the Committee of Correspondence, and are with very great Regard,

In the name of the Committee

Sir,

Your most humble Servants,

SAMUEL ADAMS,
JOHN HANCOCK,
WM. PHILLIPS,
WM. HEATH.

To BENJAMIN FRANKLIN, Esq.

PETITION OF THE MERCHANTS OF LONDON TO THE HOUSE OF
LORDS.

TO THE RIGHT HONOURABLE THE
LORDS SPIRITUAL AND TEMPORAL,
IN PARLIAMENT ASSEMBLED :

The Petition of the Merchants, Traders, and others of the City of *London*, interested in the *American* Commerce.

1775.

Humbly Sheweth:

That your Petitioners are deeply concerned to find that there is now depending before this Right Honourable House a Bill
"To restrain the Trade and Commerce of the Province of *Mas-*

“*sachusetts Bay and New Hampshire, and Colonies of Connecticut*
“*and Rhode Island, and Providence Plantation in North America,*
“*to Great Britain, Ireland and the British Island in the West*
“*Indies, and to prohibit such Provinces and Colonies from*
“*carrying on any Fishery on the Banks of Newfoundland, or*
“*other places therein to be mentioned, under certain restric-*
“*tions and for a time to be limited.*”

Your Petitioners beg leave to represent that the said Bill should it pass into a Law, will, in its Operation, deprive Thousands of His Majesty's loyal Subjects of their actual Subsistence, and reduce them to extreme distress, even that of Famine, the said Provinces not generally raising Corn Sufficient for their own support; and by this Bill they will be prevented from receiving any Supplies from their Sister Colonies, and precluded from their Natural Resources, THE SEA.

That your Petitioners have reason to believe that very great numbers of men bred and employed in the Fisheries, who in Hardiness and Intrepidity are not exceeded by any in this extensive Empire will be impelled by the pressing calls of Hunger and Want, by a just sense of their violated Rights to such a Conduct as may be productive of Devastation and Bloodshed, which may endanger the Peace and Welfare of His Majesty's *American* Dominions; or be induced to employ themselves in fishing for the French, and thereby give our Rivals, *the Means* of supplying the Markets in *Europe*, which will render it difficult for us ever to regain that valuable Branch of Commerce.

Your Petitioners beg Leave further to represent, that there is now due from the said Provinces and Colonies to the City of *London* only, one million sterling and upwards. That their Remittances are almost entirely made by means of the Fisheries and consequently the Ruin brought on those Colonies will deeply injure the Commercial interest of Great Britain and ultimately fall upon the *landed Property* of these Kingdoms.

That among the other grievances of which our Fellow Sub-

jects in *America* so generally complain is, their being deprived of Trial by Jury in particular Cases, and the Extension of the Jurisdiction of the Admiralty Courts; which Grievances, your Petitioners, with much concern, find are not only continued, but extended by the Present Bill. And they think it their Duty to represent it as their firm opinion to this Right Honourable House that the Disquietudes which universally prevail in the minds of their fellow Subjects in *America* will be increased and confirmed by this Bill, unjust, as they conceive, because it involves those who are allowed to be innocent in the punishment of those who are **supposed* to be guilty, and that these disquietudes will *never* be removed unless lenient measures are pursued and their grievances redressed.

Your Petitioners therefore most humbly pray, that the said Bill may not pass into a Law.

Published by Authority of the Committee.

THOMAS LANE, *Chairman.*

PETITION OF THE MERCHANTS OF LONDON TO THE HOUSE OF
COMMONS.

TO THE HONOURABLE THE COMMONS OF GREAT BRITAIN,

IN PARLIAMENT ASSEMBLED:

The Petition of the Merchants and Traders of the City of London trading to North America.

Humbly Sheweth:

That your Petitioners have been accustomed to carry on very considerable branches of Trade to and from his Majesty's

* *Supposed*, is here used, as an attack on the infamous Addresses of the Two Houses to the King, which was founded on partial and *mutilated* reports of such wretches as Gen. Gage, Gov. Colden, Ld. Dunmore, Martin, and Lt. Jas. Wright, &c. &c.—(CONTEMPORARY NOTE.)

Colonies in North America, the former consisting greatly in exporting thither the Manufactures of this Country and the latter in Importing from thence raw materials of various kinds necessary to the support of several of our most important Manufactures.

That the Trade of your Petitioners with North America has occasioned Yearly the importation and remittance to this Country of Bullion and Bills of Exchange of great value from different parts of the world in payment for American Commodities as would be super-abundant here, or are by acts of Parliament forbidden to be imported, which Commodities therefore may justly be considered as having Great weight in the Commercial Balance of Europe.

That this Commerce necessary to afford employment and subsistence to the Manufactures of these Kingdoms, to augment the Public Revenues, to serve as a nursery for Seamen, and to support and increase our Navigation and Maritime strength, is at present in an alarming State of Suspension. That the Interruption of this trade, we humbly apprehend is principally owing to certain Duties imposed by an Act of Parliament passed in the Seventh Year of his present Majesty, on Tea, Paper, Glass and Painters' Colours, imported into those Colonies.

Your Petitioners therefore presume to lay the distressed situation of this Trade before this House, and for the recovery of so important a Branch of Commerce—they pray such relief as in the wisdom of this Honourable House shall seem meet.



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